

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI**

**DR. DONALD RAGGIO
DR. CHRIS RAGGIO**

PLAINTIFFS

VS.

CIVIL ACTION NO. 14-71

**MTGOX a sole proprietorship;
MTGOX, Inc., a Delaware corporation;
MT.GOX KK, a Japanese corporation;
TIBANE KK, a Japanese corporation;
MUTUM SIGILLUM, LLC a Delaware limited Liability Company;
CODE COLLECTIVE, LLC a New York limited liability company;
JED McCALEB, an individual;
MARK KARPELES, an individual;
JOHN DOES 1-5, and CORPORATE JOHN DOES 1-5**

DEFENDANTS

MOTION TO COMPEL DISCOVERY RESPONSES

COME NOW, the Plaintiffs, Dr. Donald Raggio and Dr. Chris Raggio, and file this Motion to Compel Discovery Responses from all Defendants pursuant to M.R.C.P. 37. Plaintiffs request this Court compel each Defendant to provide full and complete answers to certain requests contained within the Plaintiffs' First Set of Request for Production of Documents, as more fully set out in their accompanying Memorandum of Law in Support which is adopted and incorporated herein by reference. In further support, the Doctors rely on the following exhibits:

1. Plaintiffs' First Set of Request for Production of Documents – Exhibit "1"
2. Defendants' Discovery Responses – Exhibit "2"
3. Plaintiffs' Good Faith Letter dated March 2, 2017 – Exhibit "3"
4. Defendants' Response to Good Faith Letter dated April 12, 2017 – Exhibit "4"

5. Good Faith Certificate – Exhibit “5”

WHEREFORE PREMISES CONSIDERED, this Court should compel all Defendants to respond promptly to the pertinent discovery requests. Plaintiffs also request their cost and attorneys’ fees and for any other relief which this Court deems just and appropriate under the circumstances.

RESPECTFULLY SUBMITTED, this the 26th day of April, 2017.

**DR. DONALD RAGGIO AND
DR. CHRIS RAGGIO**

s/Charles “Brad” Martin
CHARLES “BRAD” MARTIN, MSB# 100767

OF COUNSEL:
MITCHELL H. TYNER, SR., MSB# 8169
CHARLES “BRAD” MARTIN, MSB# 100767
TYNER, GOZA, STACEY & MARTIN, LLC
114 West Center Street
Canton, MS 39046
Phone: 601-401-1111
Fax: 601-957-6554

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a true and correct copy of the above and foregoing pleading via the Court's electronic filing system on the following:

Edwin S. Gault, Jr., Esq.
Mandie B. Robinson, Esq.
Forman Watkins & Krutz LLP
200 South Lamar Street, Suite 100
Jackson, Mississippi 39201-4099

Ethan Jacobs, Esq.
Keller Sloan Roman Holland, LLP
555 Montgomery Street, 17th Floor
San Francisco, CA 94111
ejacobs@ksrh.com

Respectfully submitted, this the 26th day of April, 2017.

s/ Charles B. Martin
CHARLES "BRAD" MARTIN, MSB# 100767

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
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**DR. DONALD RAGGIO
DR. CHRIS RAGGIO**

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TIBANE KK, a Japanese corporation;
MUTUM SIGILLUM, LLC a Delaware limited Liability Company;
CODE COLLECTIVE, LLC a New York limited liability company;
JED McCALEB, an individual;
MARK KARPELES, an individual;
JOHN DOES 1-5, and CORPORATE JOHN DOES 1-5**

DEFENDANTS

**PLAINTIFFS DR. DONALD RAGGIO AND DR. CHRIS RAGGIO'S
FIRST SET OF REQUEST FOR PRODUCTION OF
DOCUMENTS TO DEFENDANTS JEB MCCALED
AND CODE COLLECTIVE, LLC**

COMES NOW, the Plaintiffs, DR. DONALD RAGGIO and DR. CHRIS RAGGIO, by and through counsel of record and propounds, pursuant to the Mississippi Rules of Civil Procedure, this First Set of Requests for Production of Documents to Defendants Jeb McCaleb and Code Collective, LLC to be answered separately, fully and under oath in accordance with the Mississippi Rules of Civil Procedure within thirty (30) days after service thereof:

DEFINITIONS

(a) "You," "your," or "Defendants" shall mean the individual or entity to whom this request is directed and related companies.

(b) "Identify" or "state the identity," when referring to a natural person, shall mean to state or describe that individual's full name, age, present or last known address, telephone number, present or last known business affiliation and location, job title, and job responsibilities. When referring to a partnership, firm, association, corporation, or other legal or business entity, "identify" or "state the identity" shall mean to state or describe the entity's full name, the location of its principal office, and the state under whose laws it is organized. Each such response shall state or describe the individual's or entity's relationship with any party to this action. If there is no such relationship at present, the response shall state whether any such relationship ever existed and the inclusive dates thereof, and describe the previous relationship.

(c) "Identify," when referring to a "Document," shall mean to state the type of Document, together with its title or subject matter, the Document's date, the identity of the author, sender, and every recipient of the Document or a copy thereof.

(d) "Document" shall include, without limitation, the original and any non-identical copy (whether different from the original because of handwritten notes, underlinings on the copy, or otherwise), regardless of origin or location, of written, typed, printed, or graphic matter (however produced or reproduced), and electrical or magnetic sound or video recordings, film, or photographic prints, and any other writings or recordings of every kind and description (including but not limited to) papers, letters, correspondence, agreements, contracts, telegrams, notes, notations, memoranda, including memoranda of conversations or meetings, notebooks, reports, articles, books, tables, charts, graphs, blueprints, drawings, lists, surveys, diaries, diary entries, facsimiles, specimens, models, schedules, accounts, ledgers, audits, and indices, and drafts, revisions or amendments of any of the above), and, generally, any kind of tangible,

permanent records that are now, or formerly were, in your possession, custody, or control, or that were known by you to exist, and that can be located or discovered by reasonably diligent efforts.

In the event that any Document referred to in your response is not in your possession, custody, or control, please specify what disposition was made of it and by whom the Document is now possessed, held in custody, or controlled.

In the event that any Document referred to in your response has been destroyed please specify the date and manner of destruction, the reason for destruction, transfer or disposition, the identity of the person who destroyed the Document, and the identity of the custodian of the Document on the date and at the time of destruction.

(e) "Person" shall include any natural person, proprietorship, partnership, firm, group, association, corporation, governmental agency, or other legal or business entity.

(f) References to the singular shall include the plural, and references to the plural shall include the singular.

REQUESTS FOR PRODUCTION

REQUEST NO. 1: All documents of any kind (including electronic documents or information stored electronically) which you have under your control or possession which relate, directly or indirectly, to any facts and/or circumstances tending to support or disprove the allegations of the Plaintiffs in the complaint (or any amendments thereto) or the Defendant's defenses in this action.

REQUEST NO. 2: All documents of any kind (including electronic documents or information stored electronically) or photographs identified or referred to in your responses to the Plaintiffs' Interrogatories, or upon which you relied in drafting said responses.

REQUEST NO. 3: All documents that you provided to any third party relating to any of the allegations in the complaint.

REQUEST NO. 4: All documents or objects intended to be introduced into evidence as exhibits in the trial of this matter.

REQUEST NO. 5: Please produce all records regarding the Plaintiffs.

REQUEST NO. 6: All documents relating to any current or former MTGOX owner, agent, employee or contractor involved in any of the allegations in the complaint.

REQUEST NO. 7: Produce a copy of the resume, curriculum vitae and any other discoverable background information of any experts you plan to call at trial of this matter.

REQUEST NO. 8: Produce a copy of each document, photograph or other tangible item you provided to any testifying expert, non-testifying expert, or consultant you have consulted with regarding this matter or relied upon by any expert you have consulted with regarding this matter.

REQUEST NO. 9: All documents relating to the qualification or opinion of any testifying or non-testifying expert witness or consultant retained by you or your counsel, including but not limited to: (a) the expert or consultant's resume or curriculum vitae; (b) any other documents supporting his or her qualifications or your assertion of his or her status as an expert; (c) all reports, drafts, and notes prepared or relied upon by the expert or consultant in providing advice or rendering an opinion, and (d) relevant portions of any books, treatises, articles, or other documents that the expert regards as authoritative on the subject about which you contend he or she is an expert.

REQUEST NO. 10: Produce copies of all complaints and lawsuits filed against you or any other business entity owned or operated by you from 2010 to current where plaintiffs have made claims substantially similar to those in the instant complaint.

REQUEST NO. 11: All documents prepared in connection with any legal or administrative proceeding, other than this action, which relate in any way to any claim at issue in this action or any allegation in the complaint.

REQUEST NO. 12: All documents relating to any statements from any potential witness, or other person with any information or knowledge relating to the claims in this action or allegations in the complaint.

REQUEST NO. 13: Produce all documents, including but not limited to letters, emails, attachments, private messages, forum messages, text messages and any other form of correspondence, between you and the Plaintiffs.

REQUEST NO. 14: Produce all documents, including but not limited to letters, emails, attachments, private messages, forum messages, text messages and any other form of correspondence, between you and Mark Karpeles.

REQUEST NO. 15: Produce all documents, including but not limited to letters, emails, attachments, private messages, forum messages, text messages and any other form of correspondence, between you and Mark Karpeles regarding the sale of MTGOX to Mark Karpeles and/or Tibanne.

REQUEST NO. 16: Produce all documents, including but not limited to letters, emails, attachments, private messages, forum messages, text messages and any other form of correspondence, between you and any other individual and/or entity regarding the sale of MTGOX to Mark Karpeles and/or Tibanne.

REQUEST NO. 17: Produce all documents, including but not limited to contracts, draft contracts, terms and conditions and any other pertinent document relating to the sale of MTGOX to Mark Karpeles and/or Tibanne.

REQUEST NO. 18: Produce any documents which reflect the relationship between the defendants, including any written agreements between the parties.

REQUEST NO. 19: Produce any and all exculpatory and indemnification agreements with Mark Karpeles or any other individual or entity concerning the incident complained of in Plaintiffs' Complaint.

REQUEST NO. 20: Produce all documents, including but not limited to letters, emails, attachments, private messages, forum messages, text messages and any other form of correspondence, between you and Mark Karpeles and/or Tibanne regarding the bitcoins missing and/or stolen from the Donald Raggio MTGOX account.

REQUEST NO. 21: Produce all documents, including but not limited to letters, emails, attachments, private messages, forum messages, text messages and any other form of correspondence, between you and any other individual or entity regarding the bitcoins missing and/or stolen from the Donald Raggio MTGOX account.

REQUEST NO. 22: Produce all documents, including but not limited to letters, emails, attachments, private messages, forum messages, text messages and any other form of correspondence, between you and Mark Karpeles and/or Tibanne regarding any bitcoins, money, or any other form of currency missing or stolen from MTGOX accounts or MTGOX wallets.

REQUEST NO. 23: Produce all documents, including but not limited to letters, emails, attachments, private messages, forum messages, text messages and any other form of

correspondence, between you and any other individual or entity regarding any bitcoins, money, or any other form of currency missing or stolen from MTGOX accounts or MTGOX wallets.

REQUEST NO. 24: Produce all documents, including but not limited to letters, emails, attachments, private messages, forum messages, text messages and any other form of correspondence, between you and the individual indentified as “Baron”.

REQUEST NO. 25: Produce all documents, including but not limited to letters, emails, attachments, private messages, forum messages, text messages and any other form of correspondence, between you and any other individual or entity regarding the individual indentified as “Baron”.

REQUEST NO. 26: Produce all documents reflecting any expenditures you have made regarding the security of the MTGOX website and/or computer coding of MTGOX while you held and/or retained any percentage of ownership interest in MTGOX.

REQUEST NO. 27: Produce all documents regarding any audits of any type that were conducted regarding the security of the MTGOX website and/or computer coding of MTGOX while you held and/or retained any percentage of ownership interest in MTGOX.

REQUEST NO. 28: Produce all documents relating to the security of the MTGOX website and/or computer coding of MTGOX while you held and/or retained any percentage of ownership interest in MTGOX.

REQUEST NO. 29: Produce all documents, including but not limited to letters, emails, attachments, private messages, forum messages, text messages and any other form of correspondence, between you and any other individual or entity regarding the security of the MTGOX website and/or computer coding of MTGOX while you held and/or retained any percentage of ownership interest in MTGOX.

REQUEST NO. 30: All documents showing your level of financial sophistication, including complete copies of all your individual state and federal tax returns and financial statements for the years beginning with the two calendar years immediately preceding the year in which began operating MTGOX as a bitcoin exchange through 2014.

REQUEST NO. 31: All financial account statements pertaining to any individual checking, money management, or investment accounts, including but not limited to bank, savings and loan, credit union, securities, brokerage and/or mutual fund accounts which you maintain or did maintain during the two calendar year immediately preceding the year in which you began operating MTGOX as a bitcoin exchange through 2014.

REQUEST NO. 32: All financial account statements pertaining to any MTGOX checking, money management, or investment accounts, including but not limited to bank, savings and loan, credit union, securities, brokerage and/or mutual fund accounts which MTGOX maintained.

REQUEST NO. 33: Any and all documents pertaining to the implementation of MTGOX bitcoin wallets while you held and/or retained any percentage of ownership interest in MTGOX.

REQUEST NO. 34: Any and all documents pertaining to bitcoin wallets owned, held, or possessed by MTGOX while you held and/or retained any percentage of ownership interest in MTGOX.

REQUEST NO. 35: Any and all documents pertaining to bitcoin addresses owned, held, or possessed by MTGOX while you held and/or retained any percentage of ownership interest in MTGOX.

REQUEST NO. 36: Any and all documents pertaining to terms and conditions regarding MTGOX accounts in which an accountholder would have to abide by upon opening, owning and/or possession a MTGOX account.

REQUEST NO. 37: Any and all documents pertaining to bitcoin addresses owned, held, or possessed by MTGOX while you held and/or retained any percentage of ownership interest in MTGOX.

REQUEST NO. 38: Any and all documents pertaining to bitcoins, bitcoin wallets, and bitcoin addresses owned, held, or possessed by yourself while you held and/or retained any percentage of ownership interest in MTGOX.

RESPECTFULLY SUBMITTED, this the 21st day of November, 2016.

**DR. DONALD RAGGIO AND
DR. CHRIS RAGGIO**

s/Charles "Brad" Martin
CHARLES "BRAD" MARTIN, MSB# 100767

OF COUNSEL:
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(601) 957-1113
(601) 957-6554 – *facsimile*

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a true and correct copy of the above and foregoing pleading via via email on the following:

Edwin S. Gault, Jr., Esq.
Mandie B. Robinson, Esq.
Forman Watkins & Krutz LLP
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Jackson, Mississippi 39201-4099

Ethan Jacobs, Esq.
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San Francisco, CA 94111
ejacobs@ksrh.com

Respectfully submitted, this the 21st day of November, 2016.

s/ Charles B. Martin
CHARLES "BRAD" MARTIN, MSB# 100767

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI**

**DR. DONALD RAGGIO
DR. CHRIS RAGGIO**

PLAINTIFFS

VS.

CAUSE NO. 14-CV-00071-TTG

MTGOX, et al.

DEFENDANTS

**JED MCCALED AND CODE COLLECTIVE, LLC'S RESPONSES TO PLAINTIFFS
DR. DONALD RAGGIO AND DR. CHRIS RAGGIO'S FIRST SET OF REQUEST FOR
PRODUCTION OF DOCUMENTS**

COME NOW, the Defendants, Jed McCaleb and Code Collective, LLC (together
“Defendants”), and respond to the Plaintiffs; First Set of Request for Production of Documents
as follows:

GENERAL OBJECTIONS

Defendants object to any request to the extent it seeks documents or contents of any
public forums or filings as Plaintiffs have equal access to such information. Defendants
further object to production of documents which are not relevant or related to the allegations
of the Complaint in any way, including any emails to or from Mark Karpeles from McCaleb's
“gmail” account which do not discuss the Raggios, the alleged theft of bitcoins, or the sale of
MTGOX.

RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST NO. 1: All documents of any kind (including electronic documents or
information stored electronically) which you have under your control or possession which
relate, directly or indirectly, to any facts and/or circumstances tending to support or
disprove the allegations of the Plaintiffs in the complaint (or any amendments thereto) or
the Defendant's defenses in this action.

RESPONSE NO. 1: Documents are being produced. This response may be supplemented.

REQUEST NO. 2: All documents of any kind (including electronic documents or information stored electronically) or photographs identified or referred to in your responses to the Plaintiffs' Interrogatories, or upon which you relied in drafting said responses.

RESPONSE NO. 2: Documents are being produced.

REQUEST NO. 3: All documents that you provided to any third party relating to any of the allegations in the complaint.

RESPONSE NO. 3: Defendants object to the extent this request seeks information protected by the attorney-client privilege and/or work product doctrine. Without waiving this objection, there are none.

REQUEST NO. 4: All documents or objects intended to be introduced into evidence as exhibits in the trial of this matter.

RESPONSE NO. 4: Defendants have not made a decision on what documents or objects they may seek to introduce into evidence at the trial of this matter. This response will be supplemented.

REQUEST NO. 5: Please produce all records regarding the Plaintiffs.

RESPONSE NO. 5: Records in the possession of the Defendants are being produced.

REQUEST NO. 6: All documents relating to any current or former MTGOX owner, agent, employee or contractor involved in any of the allegations in the complaint.

RESPONSE NO. 6: Defendants object to this request as overbroad, unduly burdensome, and seeking irrelevant information not calculated to lead to the discovery of admissible evidence, as it seeks *all* documents related to *any* MTGOX owner regardless of whether such documents relate to the allegations of the Complaint. Without waiving said objection, Defendants are producing all documents related to any other MTGOX owner that do relate to the allegations of the Complaint.

REQUEST NO. 7: Produce a copy of the resume, curriculum vitae and any other discoverable background information of any experts you plan to call at trial of this matter.

RESPONSE NO. 7: Defendants have not retained any experts at this time. This response will be supplemented if experts are retained to testify at trial.

REQUEST NO. 8: Produce a copy of each document, photograph or other tangible item you provided to any testifying expert, non-testifying expert, or consultant you have consulted with regarding this matter or relied upon by any expert you have consulted with regarding this matter.

RESPONSE NO. 8: None at this time.

REQUEST NO. 9: All documents relating to the qualification or opinion of any testifying or non-testifying expert witness or consultant retained by you or your counsel, including but not limited to: (a) the expert or consultant's resume or curriculum vitae; (b) any other documents supporting his or her qualifications or your assertion of his or her status as

an expert; (c) all reports, drafts, and notes prepared or relied upon by the expert or consultant in providing advice or rendering an opinion, and (d) relevant portions of any books, treatises, articles, or other documents that the expert regards as authoritative on the subject about which you contend he or she is an expert.

RESPONSE NO. 9: None at this time.

REQUEST NO. 10: Produce copies of all complaints and lawsuits filed against you or any other business entity owned or operated by you from 2010 to current where plaintiffs have made claims substantially similar to those in the instant complaint.

RESPONSE NO. 10: Defendants object to this request as the terms “substantially similar” are unclear. Without waiving that objection, there are none.

REQUEST NO. 11: All documents prepared in connection with any legal or administrative proceeding, other than this action, which relate in any way to any claim at issue in this action or any allegation in the complaint.

RESPONSE NO. 11: Defendants object to this request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine. Without waiving this objection, there are no other proceedings which relate to the claims alleged in the Complaint.

REQUEST NO. 12: All documents relating to any statements from any potential witness, or other person with any information or knowledge relating to the claims in this action or allegations in the complaint.

RESPONSE NO. 12: Defendants object to this request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine. Without waiving this objection, documents in Defendants' possession are being produced.

REQUEST NO. 13: Produce all documents, including but not limited to letters, emails, attachments, private messages, forum messages, text messages and any other form of correspondence, between you and the Plaintiffs.

RESPONSE NO. 13: Responsive documents in the possession of Defendants are being produced.

REQUEST NO. 14: Produce all documents, including but not limited to letters, emails, attachments, private messages, forum messages, text messages and any other form of correspondence, between you and Mark Karpeles.

RESPONSE NO. 14: Defendants object to this request as overbroad, unduly burdensome, and seeking irrelevant information not calculated to lead to the discovery of admissible evidence. Without waiving said objection, Defendants are producing all correspondence between Defendants and Mark Karpeles related to the allegations within Plaintiffs' Complaint.

REQUEST NO. 15: Produce all documents, including but not limited to letters, emails, attachments, private messages, forum messages, text messages and any other form of correspondence, between you and Mark Karpeles regarding the sale of MTGOX to Mark Karpeles and/or Tibanne.

RESPONSE NO. 15: Documents in the Defendants' possession are being produced.

REQUEST NO. 16: Produce all documents, including but not limited to letters, emails, attachments, private messages, forum messages, text messages and any other form of correspondence, between you and any other individual and/or entity regarding the sale of MTGOX to Mark Karpeles and/or Tibanne.

RESPONSE NO. 16: Defendants object to this request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine. Defendants further object to this request as overbroad, unduly burdensome, and seeking irrelevant information not calculated to lead to the discovery of admissible evidence. Without waiving these objections, correspondence with the Raggios regarding the sale of MTGOX are being produced.

REQUEST NO. 17: Produce all documents, including but not limited to contracts, draft contracts, terms and conditions and any other pertinent document relating to the sale of MTGOX to Mark Karpeles and/or Tibanne.

RESPONSE NO. 17: Defendants object to this request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine. Without waiving this objection, documents in the Defendants' possession are being produced.

REQUEST NO. 18: Produce any documents which reflect the relationship between the defendants, including any written agreements between the parties.

RESPONSE NO. 18: Defendants object to this request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine. Without waiving this objection, documents in the Defendants' possession are being produced.

REQUEST NO. 19: Produce any and all exculpatory and indemnification agreements with Mark Karpeles or any other individual or entity concerning the incident complained of in Plaintiffs' Complaint.

RESPONSE NO. 19: The contract for the sale of MTGOX to K.K. Tibanne containing an indemnification provision is being produced.

REQUEST NO. 20: Produce all documents, including but not limited to letters, emails, attachments, private messages, forum messages, text messages and any other form of correspondence, between you and Mark Karpeles and/or Tibanne regarding the bitcoins missing and/or stolen from the Donald Raggio MTGOX account.

RESPONSE NO. 20: Defendants object to this request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine. Without waiving this objection, documents in Defendants' possession are being produced.

REQUEST NO. 21: Produce all documents, including but not limited to letters, emails, attachments, private messages, forum messages, text messages and any other form of correspondence, between you and any other individual or entity regarding the bitcoins missing and/or stolen from the Donald Raggio MTGOX account.

RESPONSE NO. 21: Defendants object to this request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine. Without waiving this objection, see response to Request Nos. 3, 14, and 20.

REQUEST NO. 22: Produce all documents, including but not limited to letters, emails, attachments, private messages, forum messages, text messages and any other form of

correspondence, between you and Mark Karpeles and/or Tibanne regarding any bitcoins, money, or any other form of currency missing or stolen from MTGOX accounts or MTGOX wallets.

RESPONSE NO. 22: Defendants object to this request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine. Without waiving this objection, responsive documents are being produced.

REQUEST NO. 23: Produce all documents, including but not limited to letters, emails, attachments, private messages, forum messages, text messages and any other form of correspondence, between you and any other individual or entity regarding any bitcoins, money, or any other form of currency missing or stolen from MTGOX accounts or MTGOX wallets.

RESPONSE NO. 23: Defendants object to this request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine. Without waiving this objection, documents are being produced.

REQUEST NO. 24: Produce all documents, including but not limited to letters, emails, attachments, private messages, forum messages, text messages and any other form of correspondence, between you and the individual identified as “Baron”.

RESPONSE NO. 24: Documents in the possession of the Defendants are being produced.

REQUEST NO. 25: Produce all documents, including but not limited to letters, emails, attachments, private messages, forum messages, text messages and any other form of

correspondence, between you and any other individual or entity regarding the individual identified as “Baron”.

RESPONSE NO. 25: Defendants object to this request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine. Without waiving this objection, documents are being produced.

REQUEST NO. 26: Produce all documents reflecting any expenditures you have made regarding the security of the MTGOX website and/or computer coding of MTGOX while you held and/or retained any percentage of ownership interest in MTGOX.

RESPONSE NO. 26: Defendants object to this request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine. Without waiving this objection, no such documents exist.

REQUEST NO. 27: Produce all documents regarding any audits of any type that were conducted regarding the security of the MTGOX website and/or computer coding of MTGOX while you held and/or retained any percentage of ownership interest in MTGOX.

RESPONSE NO. 27: Defendants object to this request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine. Without waiving this objection, no such documents exist.

REQUEST NO. 28: Produce all documents relating to the security of the MTGOX website and/or computer coding of MTGOX while you held and/or retained any percentage of ownership interest in MTGOX.

RESPONSE NO. 28: Defendants object to this request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine. Without waiving this objection, documents are being produced.

REQUEST NO. 29: Produce all documents, including but not limited to letters, emails, attachments, private messages, forum messages, text messages and any other form of correspondence, between you and any other individual or entity regarding the security of the MTGOX website and/or computer coding of MTGOX while you held and/or retained any percentage of ownership interest in MTGOX.

RESPONSE NO. 29: Defendants object to this request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine. Without waiving this objection, documents are being produced.

REQUEST NO. 30: All documents showing your level of financial sophistication, including complete copies of all your individual state and federal tax returns and financial statements for the years beginning with the two calendar years immediately preceding the year in which began operating MTGOX as a bitcoin exchange through 2014.

RESPONSE NO. 30: Defendants object to this request as overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeking information that is completely irrelevant to the allegations that the Defendants should pay Plaintiffs for the alleged theft of bitcoins from the Plaintiffs' account.

REQUEST NO. 31: All financial account statements pertaining to any individual checking, money management, or investment accounts, including but not limited to bank,

savings and loan, credit union, securities, brokerage and/or mutual fund accounts which you maintain or did maintain during the two calendar year immediately preceding the year in which you began operating MTGOX as a bitcoin exchange through 2014.

RESPONSE NO. 31: Defendants object to this request as overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeking information that is completely irrelevant to the allegations that the Defendants should pay Plaintiffs for the alleged theft of bitcoins from the Plaintiffs' account.

REQUEST NO. 32: All financial account statements pertaining to any MTGOX checking, money management, or investment accounts, including but not limited to bank, savings and loan, credit union, securities, brokerage and/or mutual fund accounts which MTGOX maintained.

RESPONSE NO. 32: Defendants object to this request as overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeking information that is completely irrelevant to the allegations that the Defendants should pay Plaintiffs for the alleged theft of bitcoins from the Plaintiffs' account. Without waiving this objection, Defendants are not in possession of any documents responsive to this request.

REQUEST NO. 33: Any and all documents pertaining to the implementation of MTGOX bitcoin wallets while you held and/or retained any percentage of ownership interest in MTGOX.

RESPONSE NO. 33: These Defendants are not in possession of any documents responsive to this request.

REQUEST NO. 34: Any and all documents pertaining to bitcoin wallets owned, held, or possessed by MTGOX while you held and/or retained any percentage of ownership interest in MTGOX.

RESPONSE NO. 34: Defendants object to this request as overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeking information that is completely irrelevant to the allegations that the Defendants should pay Plaintiffs for the alleged theft of bitcoins from the Plaintiffs' account. Without waiving this objection, Defendants are not in possession of any documents responsive to this request.

REQUEST NO. 35: Any and all documents pertaining to bitcoin addresses owned, held, or possessed by MTGOX while you held and/or retained any percentage of ownership interest in MTGOX.

RESPONSE NO. 35: Defendants object to this request to the extent it seeks confidential private documents of individual consumers. Without waiving this objection, Defendants are not in possession of any documents responsive to this request.

REQUEST NO. 36: Any and all documents pertaining to terms and conditions regarding MTGOX accounts in which an accountholder would have to abide by upon opening, owning and/or possession a MTGOX account.

RESPONSE NO. 36: These Defendants are not in possession of any documents responsive to this request.

REQUEST NO. 37: Any and all documents pertaining to bitcoin addresses owned, held, or possessed by MTGOX while you held and/or retained any percentage of ownership interest in MTGOX.

RESPONSE NO. 37: Defendants object to this request as overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeking information that is completely irrelevant to the allegations that the Defendants should pay Plaintiffs for the alleged theft of bitcoins from the Plaintiffs' account. Without waiving this objection, documents in the possession of these Defendants in which McCaleb and Mark Karpeles may have discussed any addresses of MTGOX relating to the sale of MTGOX are being produced.

REQUEST NO. 38: Any and all documents pertaining to bitcoins, bitcoin wallets, and bitcoin addresses owned, held, or possessed by yourself while you held and/or retained any percentage of ownership interest in MTGOX.

RESPONSE NO. 38: Defendants object to this request as overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeking information that is completely irrelevant to the claims at issue which involve the alleged theft of bitcoins from Plaintiffs' by a third party, not these Defendants.

Respectfully submitted, this the 24th day of January, 2017.

**CODE COLLECTIVE, LLC, and
JED McCALEB, individually and formerly
doing business as MTGOX, a sole
proprietorship**

By: /s/Edwin S. Gault, Jr.
EDWIN S. GAULT, JR., MSB #10187
MANDIE B. ROBINSON, MSB #100446

OF COUNSEL:

FORMAN WATKINS & KRUTZ LLP
200 South Lamar Street, Ste. 100
Jackson, MS 39201-4099
Post Office Box 22608
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ejacobs@ksrh.com

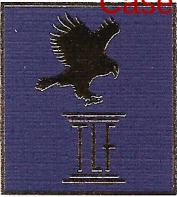
CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a true and correct copy of the above and foregoing pleading via email on the following:

Mitchell H. Tyner, Sr.
Charles Brad Martin
Tyner Law Firm, P.A.
5750 I-55 North
Jackson, MS 39211
mtyner@tynerlawfirm.com
bmartin@tynerlawfirm.com

Respectfully submitted, this the 24th day of January, 2017.

/s/ Edwin S. Gault, Jr.
EDWIN S. GAULT, JR.



TYNER LAW FIRM, P.A.

Mitchell H. Tyner, Sr.
mtyner@tynerlawfirm.com

Licensed: Mississippi
Louisiana
Texas
District of Columbia

March 2, 2017

Edwin S. Gault, Jr.
FORMAN WATKINS & KRUTZ LLP
Post Office Box 22608
Jackson, MS 39225-2608

**Re: Raggio vs. MTGOX, et al., In the Circuit Court of the First Judicial District
of Hinds County, Mississippi, Civil Action No. 14-CV-00071-TTG**

Dear Mr. Gault:

We are in receipt of your responses to request for production of documents for defendants Jed McCaleb and Code Collective LLC. Several of the responses are deficient. Please consider this our good-faith attempt to resolve these discovery disputes. Your deficient responses to each of the Plaintiff's discovery requests are individually addressed as follows:

I. Defendants' Responses to Plaintiff's First Set of Request for Production of Documents

REQUEST NO. 30: All documents showing your level of financial sophistication, including complete copies of all your individual state and federal tax returns and financial statements for the years beginning with the two calendar years immediately preceding the year in which began operating MTGOX as a bitcoin exchange through 2014.

RESPONSE: Defendants object to this request as overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeking information that is completely irrelevant to the allegations that the Defendants should pay Plaintiffs for the alleged theft of bitcoins from the Plaintiffs' account.

PLAINTIFF'S REPLY: The answer is non-responsive and the objections improper. The information sought in this Request is relevant to the Plaintiffs' discovery of facts related, but not limited to, the claims asserted for conversion and conspiracy by the Defendants. These records

possibly reflect evidence of both when and where Plaintiffs' property was diverted. Disclosure of the information sought by this Request is reasonably calculated to lead to the discovery of admissible evidence related not only to the Plaintiffs' claims and damages, but also the credibility and/or truthfulness of the Defendants' testimony and defenses. The information is discoverable under the Mississippi Rules of Civil Procedure.

REQUEST NO. 31: All financial account statements pertaining to any individual checking, money management, or investment accounts, including but not limited to bank, savings and loan, credit union, securities, brokerage and/or mutual fund accounts which you maintain or did maintain during the two calendar year immediately preceding the year in which you began operating MTGOX as a bitcoin exchange through 2014.

RESPONSE: Defendants object to this request as overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeking information that is completely irrelevant to the allegations that the Defendants should pay Plaintiffs for the alleged theft of bitcoins from the Plaintiffs' account.

PLAINTIFF'S REPLY: The answer is non-responsive and the objections improper. The information sought in this Request is relevant to the Plaintiffs' discovery of facts related, but not limited to, the claims asserted for conversion and conspiracy by the Defendants. These records possibly reflect evidence of both where Plaintiffs' property was diverted. Disclosure of the information sought by this Request is reasonably calculated to lead to the discovery of admissible evidence related not only to the Plaintiffs' claims and damages, but also the credibility and/or truthfulness of the Defendants' testimony and defenses. The information is discoverable under the Mississippi Rules of Civil Procedure.

REQUEST NO. 38: Any and all documents pertaining to bitcoins, bitcoin wallets, and bitcoin addresses owned, held, or possessed by yourself while you held and/or retained any percentage of ownership interest in MTGOX.

RESPONSE: Defendants object to this request as overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeking information that is completely irrelevant to the claims at issue which involve the alleged theft of bitcoins from Plaintiffs' (sic) by a third party, not these Defendants.

PLAINTIFF'S REPLY: The answer is non-responsive and the objections improper. The information sought in this Request is relevant to the Plaintiffs' discovery of facts related, but not limited to, the claims asserted for conversion and conspiracy by the Defendants. These records possibly reflect evidence of both when and where Plaintiffs' property was diverted. Disclosure of the information sought by this Request is reasonably calculated to lead to the discovery of admissible evidence related not only to the Plaintiffs' claims and damages, but also the credibility and/or truthfulness of the Defendants' testimony and defenses. The information is discoverable under the Mississippi Rules of Civil Procedure.

Please provide the additional information as provided above. If I do not hear from you by Monday, March 20, 2017, I will assume a Motion to Compel is necessary. If you have any questions, feel free to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Martin", with a long horizontal flourish extending to the right.

Charles "Brad" Martin

CBM:tp

FormanWatkins

Forman Watkins & Krutz LLP

Mandie B. Robinson
mandie.robinson@formanwatkins.com
Direct Dial: 601-974-8735

April 12, 2017

VIA EMAIL: bmartin@tynerlawfirm.com
mtyner@tynerlawfirm.com

Brad Martin
Mitchell Tyner
TYNER, GOZA, STACEY & MARTIN, LLC
114 West Center Street
Canton, MS 39046

Re: *Dr. Donald Raggio, et al. v. MTGOX et al.*; In the Circuit Court of the First Judicial
District of Hinds County, Mississippi; Civil Action No. 14-CV-00071-TTG

Dear Brad and Mitch:

Please accept this correspondence in response to Brad's letter dated March 2, 2017, received via email on April 10, 2017. That letter indicated you believe additional documents exist which are not objectionable and are responsive to Plaintiffs' discovery requests. The response is the same for all listed Requests, and is set forth at the end of this letter.

PLAINTIFFS' REQUESTS

REQUEST NO. 30: All documents showing your level of financial sophistication, including complete copies of all your individual state and federal tax returns and financial statements for the years beginning with the two calendar years immediately preceding the year in which began operating MTGOX as a bitcoin exchange through 2014.

ORIGINAL RESPONSE: Defendants object to this request as overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeking information that is completely irrelevant to the allegations that the Defendants should pay Plaintiffs for the alleged theft of bitcoins from the Plaintiffs' account.

PLAINTIFF'S REPLY: The answer is non-responsive and the objections improper. The information sought in this Request is relevant to the Plaintiffs' discovery of facts related, but not limited to, the claims asserted for conversion and conspiracy by the Defendants. These records possibly reflect evidence of both when and where Plaintiffs' property was diverted. Disclosure of the information sought by this Request is reasonably calculated to lead to the discovery of admissible evidence related not only to the Plaintiffs' claims and damages, but

Exhibit 4

also the credibility and/or truthfulness of the Defendants' testimony and defenses. The information is discoverable under the Mississippi Rules of Civil Procedure.

REQUEST NO. 31: All financial account statements pertaining to any individual checking, money management, or investment accounts, including but not limited to bank, savings and loan, credit union, securities, brokerage and/or mutual fund accounts which you maintain or did maintain during the two calendar year immediately preceding the year in which you began operating MTGOX as a bitcoin exchange through 2014.

ORIGINAL RESPONSE: Defendants object to this request as overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeking information that is completely irrelevant to the allegations that the Defendants should pay Plaintiffs for the alleged theft of bitcoins from the Plaintiffs' account.

PLAINTIFF'S REPLY: The answer is non-responsive and the objections improper. The information sought in this Request is relevant to the Plaintiffs' discovery of facts related, but not limited to, the claims asserted for conversion and conspiracy by the Defendants. These records possibly reflect evidence of both where Plaintiffs' property was diverted. Disclosure of the information sought by this Request is reasonably calculated to lead to the discovery of admissible evidence related not only to the Plaintiffs' claims and damages, but also the credibility and/or truthfulness of the Defendants' testimony and defenses. The information is discoverable under the Mississippi Rules of Civil Procedure.

REQUEST NO. 38: Any and all documents pertaining to bitcoins, bitcoin wallets, and bitcoin addresses owned, held, or possessed by yourself while you held and/or retained any percentage of ownership interest in MTGOX.

ORIGINAL RESPONSE: Defendants object to this request as overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeking information that is completely irrelevant to the claims at issue which involve the alleged theft of bitcoins from Plaintiffs' (sic) by a third party, not these Defendants.

PLAINTIFF'S REPLY: The answer is non-responsive and the objections improper. The information sought in this Request is relevant to the Plaintiffs' discovery of facts related, but not limited to, the claims asserted for conversion and conspiracy by the Defendants. These records possibly reflect evidence of both when and where Plaintiffs' property was diverted. Disclosure of the information sought by this Request is reasonably calculated to lead to the discovery of admissible evidence related not only to the Plaintiffs' claims and damages, but also the credibility and/or truthfulness of the Defendants' testimony and defenses. The information is discoverable under the Mississippi Rules of Civil Procedure.

DEFENDANTS' RESPONSE TO ALL REQUESTS SET FORTH ABOVE:

RESPONSE TO DISPUTE: The Defendants' objections are wholly proper. All records regarding McCaleb's personal finances during any period of time are completely irrelevant to this suit. Plaintiffs' assertion that such information is relevant to their "conversion" and "conspiracy" claims is unfounded and false. In these claims, Plaintiffs assert that all defendants "took unlawful possession" of Plaintiffs' bitcoins, "refused to deliver the bitcoins purchased by plaintiffs," and "conspired and agreed upon themselves" to deprive the Plaintiffs of their bitcoins. See Complaint at ¶¶ 29 and 43. However, Plaintiffs' own filings acknowledge the bitcoins they purchased were properly delivered, were later stolen by a third party, and that the alleged thief's account was frozen.¹ The numerous emails produced by all parties show that McCaleb investigated the theft for the Plaintiffs, informed Mark Karpeles of the theft, and provided information to Karpeles regarding the suspected thief.² As the evidence shows, there is absolutely no basis to support the unfounded allegation that McCaleb "conspired" with anyone or "converted" the bitcoins in any way. Thus, McCaleb's personal finances are completely irrelevant to the claims of this suit and are not subject to discovery under the Mississippi Rules of Civil Procedure.³

If you have any questions, please do not hesitate to contact me.

Sincerely,

FORMAN WATKINS & KRUTZ LLP


Mandie B. Robinson

cc: Mitchell H. Tyner, Sr. (via electronic mail)
Charles "Brad" Martin (via electronic mail)
Ethan Jacobs (via electronic mail)

¹ See Motion to Allow Time for Discovery Under Rule 56(d) and in Opposition to Defendants' Motion for Summary Judgment, Doc. 35, at pp. 1 and 4 (noting this action arises from the "purchase and *subsequent theft* of bitcoins. . . .," that McCaleb "froze" the thief's account," not that he removed any coins); Plaintiffs' Response in Opposition to Defendant's Motion for Protective Order, Doc. 34, at ¶ 2 (discussing "the stolen bitcoins.").

² See MCCALED 000071 (Chris Raggio and McCaleb discussing the stolen coins and the freezing of Baron's account); MCCALED 000233 (McCaleb informing Mark Karpeles about his efforts to confront the believed thief).

³ See also Defendants' Motion to Quash and for Protective Order [Document No. 59], Rebuttal in Support of Motion to Quash and for Protective Order [Document No. 63], and their Responses to Plaintiffs' Second Set of Request for Production of Documents at No. 1.

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI

DR. DONALD RAGGIO
DR. CHRIS RAGGIO

PLAINTIFFS

VS.

CIVIL ACTION NO. 14-71

MTGOX a sole proprietorship;
MTGOX, Inc., a Delaware corporation;
MT.GOX KK, a Japanese corporation;
TIBANE KK, a Japanese corporation;
MUTUM SIGILLUM, LLC a Delaware limited Liability Company;
CODE COLLECTIVE, LLC a New York limited liability company;
JED McCALEB, an individual;
MARK KARPELES, an individual;
JOHN DOES 1-5, and CORPORATE JOHN DOES 1-5

DEFENDANTS

GOOD FAITH CERTIFICATE

All Counsel certify that they have conferred in good faith in an attempt to resolve the discovery issues in question, and that it is necessary to file the following motion:

Plaintiffs' Motion to Compel

Counsel further certify that:

____ 1. The motion is unopposed by all parties.

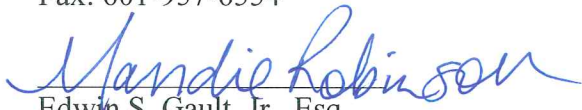
____ 2. The motion is unopposed by: _____

 X 3. The discovery is opposed by: defendants

This the 24th day of April, 2017

s/ Charles "Brad" Martin
MITCHELL H. TYNER, SR., MSB# 8169
CHARLES "BRAD" MARTIN, MSB# 100767
TYNER, GOZA, STACEY & MARTIN, LLC

114 West Center Street
Canton, MS 39046
Phone: 601-401-1111
Fax: 601-957-6554



Edwin S. Gault, Jr., Esq.
Mandie B. Robinson, Esq.
Forman Watkins & Krutz LLP
200 South Lamar Street, Suite 100
Jackson, Mississippi 39201-4099

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI**

**DR. DONALD RAGGIO
DR. CHRIS RAGGIO**

PLAINTIFFS

VS.

CIVIL ACTION NO. 14-71

**MTGOX a sole proprietorship;
MTGOX, Inc., a Delaware corporation;
MT.GOX KK, a Japanese corporation;
TIBANE KK, a Japanese corporation;
MUTUM SIGILLUM, LLC a Delaware limited Liability Company;
CODE COLLECTIVE, LLC a New York limited liability company;
JED McCALEB, an individual;
MARK KARPELES, an individual;
JOHN DOES 1-5, and CORPORATE JOHN DOES 1-5**

DEFENDANTS

**PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF
MOTION TO COMPEL DISCOVERY RESPONSES**

Plaintiffs, Dr. Donald Raggio and Dr. Chris Raggio, have filed a Motion to Compel Discovery Responses pursuant to M.R.C.P. 37, asking this Court to compel each Defendant to provide full and complete answers to certain requests contained within the Plaintiffs' First Set of Request for Production of Documents to them, and fully respond to and provide all documents requested by the Plaintiffs. Plaintiffs submit this Memorandum of Law in support of their Motion to Compel Discovery Responses, as follows:

I. Introduction

This cause of action arises out of the failure to deliver bitcoins. Plaintiffs, Doctors Chris and Donald Raggio wired money to purchase 9,400 bitcoins from Defendant, Jed McCaleb in California (hereinafter referred to as "California Defendant"). To deliver the bitcoins, California Defendant

required the Raggios to open an account on his bitcoin exchange called MTGOX. California Defendant was the sole proprietor of MTGOX exchange, which he built out to become the largest bitcoin exchange in the world. Pursuant to California Defendant's directions, Mississippi buyers, Chris and Donald Raggio, wired money to California Defendant, who would purchase the bitcoins and place the bitcoins in their account with his online exchange MTGOX. MTGOX was an online bitcoin exchange which California Defendant launched in July 2010, and by 2013 was handling 70% of all bitcoin transactions. California Defendant was the creator of MTGOX, which allowed for the trading of bitcoins much like a typical stock exchange. Traders of bitcoins would place their bitcoins into individual accounts on the MTGOX exchange.

In December 2010, the Doctors opened a MTGOX account and began to acquire bitcoins from other individuals on the MTGOX exchange. However, the Doctors were limited in the dollar amount which could be withdrawn each day. The MTGOX account was funded by wire transfers from Donald Raggio's bank account directly to California Defendant. On January 9, 2011, Chris Raggio discovered that 9,400 bitcoins were missing from the Doctors' MTGOX account and, on the same date, contacted California Defendant regarding the missing bitcoins. Chris Raggio discovered on January 10, 2011 the online address of where the stolen bitcoins had been transferred and immediately notified California Defendant as to same. Later, it was determined that another MTGOX account holder ("Baron") had stolen the bitcoins from the Raggios' MTGOX account and placed them into his own account. California Defendant took control of and froze both the Doctors' account and Baron's account that consisted of the stolen bitcoins and \$45,000.

To this day, it has yet to be determined where the Doctors' bitcoins are located or where the bitcoins were moved to once coming back to the MTGOX exchange. Both the California

Defendant and Mark Karpeles had access to the MTGOX exchange during the applicable time period and could have easily diverted the bitcoin and the cash in the Baron account to profit themselves. There are no doubt internal and external banking, financial, and accounting records and entries controlled and possessed by these Defendants that may reveal the staggering level of misrepresentation, fraud and deceit against the Doctors.

The Doctors served all the Defendants with Request for Production of Documents. *See* Motion, Exhibit “1”. While the Defendants responded, they objected to the requests pertaining to financial records and as to documents pertaining to bitcoins, bitcoin wallets, and bitcoin addresses. *See* Motion, Exhibit “2”. Upon receipt of these inadequate responses, counsel for the Doctors sent a Good Faith letter to counsel for the Defendants on March 2, 2017. *See* Motion, Exhibit “3”. In their response, the Defendants continue to raise objections to the requests and refuse to turnover any and all applicable documents. *See* Motion, Exhibit “4”. The nature of the needed discovery from these Defendants is critical and the time for the Defendants’ non-disclosure and misrepresentations needs to end as a matter of law and equity.

II. Law and Argument

The Mississippi Rules of Civil Procedure permit parties to “obtain discovery regarding any matter, not privileged, which is relevant to the issues raised by the *claims or defenses* of any party...It is not a ground for objection that the information sought will be inadmissible at trial if the information is reasonably calculated to lead to the discovery of admissible evidence.” M.R.C.P. 26(b)(1) (emphasis added).

The burden is on the party objecting to discovery to state the grounds for the objection “with specificity.” M.R.C.P. 33(b)(4). “[A]n evasive or incomplete answer is to be treated as a failure to answer.” M.R.C.P. 37(a)(3).

The parties have conferred in good faith concerning their discovery disputes to no avail at this point. Defendants have yet to produced documents responsive to the following Requests, as follows:

REQUEST NO. 30: All documents showing your level of financial sophistication, including complete copies of all your individual state and federal tax returns and financial statements for the years beginning with the two calendar years immediately preceding the year in which began operating MTGOX as a bitcoin exchange through 2014.

RESPONSE: Defendants object to this request as overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeking information that is completely irrelevant to the allegations that the Defendants should pay Plaintiffs for the alleged theft of bitcoins from the Plaintiffs’ account.

PLAINTIFF’S REPLY: The answer is non-responsive and the objections improper. The information sought in this Request is relevant to the Plaintiffs’ discovery of facts related, but not limited to, the claims asserted for conversion and conspiracy by the Defendants. These records possibly reflect evidence of both when and where Plaintiffs’ property was diverted. Disclosure of the information sought by this Request is reasonably calculated to lead to the discovery of admissible evidence related not only to the Plaintiffs’ claims and damages, but also the credibility and/or truthfulness of the Defendants’ testimony and defenses. The information is discoverable under the Mississippi Rules of Civil Procedure.

DEFENDANTS’ RESPONSE TO DISPUTE: The Defendants’ objections are wholly proper. All records regarding Mr. McCaleb’s personal finances during any period of time are completely irrelevant to this suit. Plaintiffs’ assertion that such information is relevant to their “conversion” and “conspiracy” claims is unfounded and false. In these claims, Plaintiffs assert all defendants “took unlawful possession” of Plaintiffs’ bitcoins, “refused to deliver the bitcoins purchased by the plaintiffs,” and “conspired and agreed upon themselves” to deprive the Plaintiffs of their bitcoins. See Complaint at ¶¶ 29 and 43. However, Plaintiffs own filings acknowledge the bitcoins they purchased were properly delivered, were later stolen by a third party, and that the thief’s account was frozen. The numerous emails produced by all parties show that McCaleb investigated the theft for the Plaintiffs, informed Mark Karpeles of the theft, and provided information to Karpeles regarding the suspected thief. As the evidence shows, there is absolutely no basis to support the unfounded allegation that McCaleb “conspired” with anyone or “converted” the bitcoins in any way. Thus, McCaleb’s personal finances are completely irrelevant to the claims of this suit and are not subject to discovery under the Mississippi Rules of Civil Procedure.

ARGUMENT: Defendants' objections are improper. The Doctors contends these Defendants converted their bitcoin and conspired with the other Defendants in this matter to deprive the Doctors of their bitcoin. Accordingly, the Defendants' tax returns for the relevant time frame may establish lines of income and benefit that link them to the allegations in the Doctors' Complaint. As such, this information is discoverable in this lawsuit. A court may compel the disclosure of tax returns if the returns are relevant to the subject matter of the action. In *Chanel Control Merchants v. Davis*, 2012 WL 1365743 at *1 (S.D. Miss. April 19, 2012), the court held that tax returns and financial statements of the defendant were relevant to the action because the plaintiff was seeking lost profits. The *Davis* court opined that "[w]hile these documents [tax returns and financial documents] may not ultimately be admissible at trial, they certainly appear reasonably calculated to lead to the discovery of admissible evidence." *Id.* In this case, the Doctors assert a claim for conversion and conspiracy. The Defendants make this an issue by denying these claims as shown in their response. The Doctors specifically allege that the Defendants converted the Doctors' bitcoins and conspired to do so. Defendants' tax returns and financial records are all relevant to the claims because they are likely to reflect some of the best evidence of both when and how much of the Plaintiffs' property was diverted. There is a compelling need for these documents because they are not readily obtainable elsewhere and for the Doctors' use in determining truthfulness and/or credibility of the Defendants' discovery responses and/or testimony to date and at trial.

REQUEST NO. 31: All financial account statements pertaining to any individual checking, money management, or investment accounts, including but not limited to bank, savings and loan, credit union, securities, brokerage and/or mutual fund accounts which you maintain or did maintain during the two calendar year immediately preceding the year in which you began operating MTGOX as a bitcoin exchange through 2014.

RESPONSE: Defendants object to this request as overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeking information that is completely irrelevant to the allegations that the Defendants should pay Plaintiffs for the alleged theft of bitcoins from the Plaintiffs' account.

PLAINTIFF'S REPLY: The answer is non-responsive and the objections improper. The information sought in this Request is relevant to the Plaintiffs' discovery of facts related, but not limited to, the claims asserted for conversion and conspiracy by the Defendants. These records possibly reflect evidence of both where Plaintiffs' property was diverted. Disclosure of the information sought by this Request is reasonably calculated to lead to the discovery of admissible evidence related not only to the Plaintiffs' claims and damages, but also the credibility and/or truthfulness of the Defendants' testimony and defenses. The information is discoverable under the Mississippi Rules of Civil Procedure.

DEFENDANTS' RESPONSE TO DISPUTE: The Defendants' objections are wholly proper. All records regarding Mr. McCaleb's personal finances during any period of time are completely irrelevant to this suit. Plaintiffs' assertion that such information is relevant to their "conversion" and "conspiracy" claims is unfounded and false. In these claims, Plaintiffs assert all defendants "took unlawful possession" of Plaintiffs' bitcoins, "refused to deliver the bitcoins

purchased by the plaintiffs,” and “conspired and agreed upon themselves” to deprive the Plaintiffs of their bitcoins. See Complaint at ¶¶ 29 and 43. However, Plaintiffs own filings acknowledge the bitcoins they purchased were properly delivered, were later stolen by a third party, and that the thief’s account was frozen. The numerous emails produced by all parties show that McCaleb investigated the theft for the Plaintiffs, informed Mark Karpeles of the theft, and provided information to Karpeles regarding the suspected thief. As the evidence shows, there is absolutely no basis to support the unfounded allegation that McCaleb “conspired” with anyone or “converted” the bitcoins in any way. Thus, McCaleb’s personal finances are completely irrelevant to the claims of this suit and are not subject to discovery under the Mississippi Rules of Civil Procedure.

ARGUMENT: Defendants’ objections are improper. The Doctors contends these Defendants converted their bitcoin and conspired with the other Defendants in this matter to deprive the Doctors of their bitcoin. Accordingly, the Defendants’ tax returns for the relevant time frame may establish lines of income and benefit that link them to the allegations in the Doctors’ Complaint. As such, this information is discoverable in this lawsuit. A court may compel the disclosure of tax returns if the returns are relevant to the subject matter of the action. In *Chanel Control Merchants v. Davis*, 2012 WL 1365743 at *1 (S.D. Miss. April 19, 2012), the court held that tax returns and financial statements of the defendant were relevant to the action because the plaintiff was seeking lost profits. The *Davis* court opined that “[w]hile these documents [tax returns and financial documents] may not ultimately be admissible at trial, they certainly appear reasonably calculated to lead to the discovery of admissible evidence.” *Id.* In this case, the Doctors assert a claim for conversion and conspiracy. The Defendants make this an issue by denying these claims as shown in their response. The Doctors specifically allege that the Defendants converted the Doctors’ bitcoins and conspired to do so. Defendants’ tax returns and financial records are all relevant to the claims because they are likely to reflect some of the best evidence of both when and how much of the Plaintiffs’ property was diverted. There is a compelling need for these documents because they are not readily obtainable elsewhere and for the Doctors’ use in determining truthfulness and/or credibility of the Defendants’ discovery responses and/or testimony to date and at trial.

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PLAINTIFF’S REPLY: The answer is non-responsive and the objections improper. The information sought in this Request is relevant to the Plaintiffs’ discovery of facts related, but not limited to, the claims asserted for conversion and conspiracy by the Defendants. These records possibly reflect evidence of both when and where Plaintiffs’ property was diverted. Disclosure of the information sought by this Request is reasonably calculated to lead to the discovery of admissible evidence related not only to the Plaintiffs’ claims and damages, but also the credibility and/or

truthfulness of the Defendants' testimony and defenses. The information is discoverable under the Mississippi Rules of Civil Procedure.

DEFENDANTS' RESPONSE TO DISPUTE: The Defendants' objections are wholly proper. All records regarding Mr. McCaleb's personal finances during any period of time are completely irrelevant to this suit. Plaintiffs' assertion that such information is relevant to their "conversion" and "conspiracy" claims is unfounded and false. In these claims, Plaintiffs assert all defendants "took unlawful possession" of Plaintiffs' bitcoins, "refused to deliver the bitcoins purchased by the plaintiffs," and "conspired and agreed upon themselves" to deprive the Plaintiffs of their bitcoins. See Complaint at ¶¶ 29 and 43. However, Plaintiffs own filings acknowledge the bitcoins they purchased were properly delivered, were later stolen by a third party, and that the thief's account was frozen. The numerous emails produced by all parties show that McCaleb investigated the theft for the Plaintiffs, informed Mark Karpeles of the theft, and provided information to Karpeles regarding the suspected thief. As the evidence shows, there is absolutely no basis to support the unfounded allegation that McCaleb "conspired" with anyone or "converted" the bitcoins in any way. Thus, McCaleb's personal finances are completely irrelevant to the claims of this suit and are not subject to discovery under the Mississippi Rules of Civil Procedure.

ARGUMENT: Defendants' objections are improper. The Doctors contends these Defendants converted their bitcoin and conspired with the other Defendants in this matter to deprive the Doctors of their bitcoin. Accordingly, records showing the Defendants' ownership and possession of bitcoins, bitcoin address and bitcoin wallets for the relevant time frame may establish lines of income and benefit that link them to the allegations in the Doctors' Complaint. As such, this information is discoverable in this lawsuit. In this case, the Doctors assert a claim for conversion and conspiracy. The Defendants make this an issue by denying these claims as shown in their response. The Doctors specifically allege that the Defendants converted the Doctors' bitcoins and conspired to do so. Defendants' records as they relate to possession and ownership of bitcoins, addresses and wallets are all relevant to the claims because they are likely to reflect some of the best evidence of both when and how much of the Plaintiffs' property was diverted. There is a compelling need for these documents because they are not readily obtainable elsewhere and for the Doctors' use in determining truthfulness and/or credibility of the Defendants' discovery responses and/or testimony to date and at trial.

III. Conclusion

Defendants failed to meet their burden to provide non-evasive responses to the Plaintiffs' discovery requests and failed to produce discoverable documents. Accordingly, this Court should compel all Defendants to respond promptly to the specific discovery as set forth herein. Plaintiffs' also request their cost and attorney fees and for other relief which this Court deems just and appropriate under the circumstances.

WHEREFORE PREMISES CONSIDERED, this Court should compel all Defendants to respond promptly to the pertinent discovery requests. Plaintiffs' also request their cost and attorney's fees and for any other relief which this Court deems just and appropriate under the circumstances.

RESPECTFULLY SUBMITTED, this the 26th day of April, 2017.

**DR. DONALD RAGGIO AND
DR. CHRIS RAGGIO**

s/Charles "Brad" Martin
CHARLES "BRAD" MARTIN, MSB# 100767

OF COUNSEL:
MITCHELL H. TYNER, SR., MSB# 8169
CHARLES "BRAD" MARTIN, MSB# 100767
TYNER, GOZA, STACEY & MARTIN, LLC
114 West Center Street
Canton, MS 39046
Phone: 601-401-1111
Fax: 601-957-6554

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a true and correct copy of the above and foregoing pleading via the Court's electronic filing system on the following:

Edwin S. Gault, Jr., Esq.
Mandie B. Robinson, Esq.
Forman Watkins & Krutz LLP
200 South Lamar Street, Suite 100
Jackson, Mississippi 39201-4099

Ethan Jacobs, Esq.
Keller Sloan Roman Holland, LLP
555 Montgomery Street, 17th Floor
San Francisco, CA 94111
ejacobs@ksrh.com

Respectfully submitted, this the 26th day of April, 2017.

s/ Charles B. Martin
CHARLES "BRAD" MARTIN, MSB# 100767

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI**

**DR. DONALD RAGGIO
DR. CHRIS RAGGIO**

PLAINTIFFS

VS.

CAUSE NO. 14-CV-00071-TTG

MTGOX, et al.

DEFENDANTS

SUBPOENA DUCES TECUM

**STATE OF MISSISSIPPI
COUNTY OF HINDS**

**TO ANY LAWFUL OFFICER OR ANY OTHER PERSON AUTHORIZED TO
SERVE SUBPOENA:**

We command you to summon

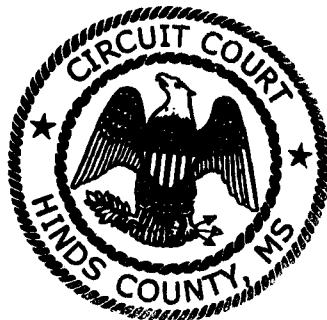
University of Mississippi Medical Center
Department of Human Resources
2500 N. State St.
Jackson, MS 39216

pursuant to Rule 45 (d)(2) of the Mississippi Rules Civil Procedure to mail (or otherwise produce) to/at the offices of Forman Watkins, & Krutz, LLP, 200 South Lamar Street, Suite 100, Jackson, Mississippi 39201-4099, by May 12, 2017, the following items, to wit:

ITEMS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO

Herein you should not fail under the penalty in such case made and provided and have then and there this writ.

WITNESS MY HAND AND SEAL OF SAID COURT, this the 26 day of April,
2017.



Circuit Court of Hinds County, Mississippi
Zack Wallace, Circuit Clerk

By: _____

Z. D. C.

Prepared By:

EDWIN S. GAULT, JR., MSB #10187
MANDIE B. ROBINSON, MSB #100446
FORMAN WATKINS & KRUTZ LLP
200 South Lamar Street, Ste. 100
Jackson, MS 39201-4099
Post Office Box 22608
Jackson, MS 39225-2608
Telephone: (601) 960-8600
Facsimile: (601) 960-8613
win.gault@formanwatkins.com
mandie.robinson@formanwatkins.com

EXHIBIT "A"

All employment records; any emails sent or received on any employment email account from December 1, 2010 through March 5, 2014; and all payment records - including any records regarding direct deposit of any employee compensation, from December 1, 2010 through March 5, 2014, for:

Name: Dr. Donald Raggio

Return to: Forman Watkins and Krutz, LLP
c/o Edwin S. Gault, Esq.
200 South Lamar Street, Suite 200
Jackson, MS 39201
Win.gault@formanwatkins.com

PROOF OF SERVICE

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

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\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

STATE OF _____

COUNTY OF _____

Personally came and appeared before me the undersigned authority in and for the aforesaid jurisdiction, _____, who after having been by me first duly sworn, did state upon oath that the matters being set forth in the foregoing *Proof of Service* is true and correct.

THIS, the _____ day of _____, 2017.

Process Server

SWORN AND SUBSCRIBED, before me this _____ day _____, 2017.

NOTARY PUBLIC

My Commission Expires: _____

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI**

**DR. DONALD RAGGIO
DR. CHRIS RAGGIO**

PLAINTIFFS

VS.

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MTGOX, et al.

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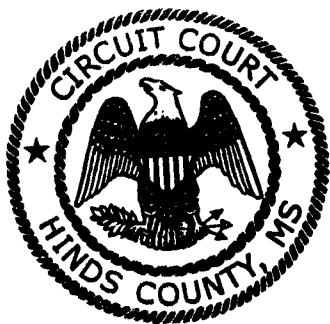
Charles J. Pignuolo
Senior Executive Vice President and General Counsel
BancorpSouth
201 South Spring Street
Tupelo, MS 38804

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Circuit Court of Hinds County, Mississippi
Zack Wallace, Circuit Clerk

By: [Signature] D.C.

Prepared By:

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Win.gault@formanwatkins.com

SHERIFF'S RETURN

State of Mississippi

County of Lee

- () I personally delivered a copy of the Subpoena on the ____ day of _____, 2017, to _____.
- () I was unable to serve the Subpoena.

This the ____ day of _____, 2017.

Sheriff of Lee County, Mississippi

By: _____
Deputy Sheriff

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI**

**DR. DONALD RAGGIO
DR. CHRIS RAGGIO**

PLAINTIFFS

VS.

CAUSE NO. 14-CV-00071-TTG

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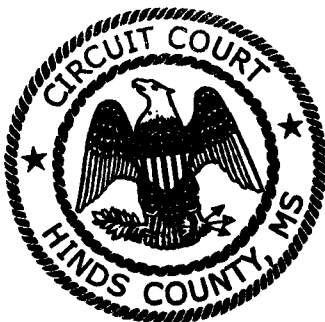
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Circuit Court of Hinds County, Mississippi
Zack Wallace, Circuit Clerk

By: Z. Wallace

Prepared By:

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200 South Lamar Street, Suite 200
Jackson, MS 39201
Win.gault@formanwatkins.com

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_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

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\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

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COUNTY OF _____

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THIS, the _____ day of _____, 2017.

Process Server

SWORN AND SUBSCRIBED, before me this _____ day _____, 2017.

NOTARY PUBLIC

My Commission Expires: _____

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI**

**DR. DONALD RAGGIO
DR. CHRIS RAGGIO**

PLAINTIFFS

VS.

CIVIL ACTION NO. 14-71

**MTGOX a sole proprietorship;
MTGOX, Inc., a Delaware corporation;
MT.GOX KK, a Japanese corporation;
TIBANE KK, a Japanese corporation;
MUTUM SIGILLUM, LLC a Delaware limited Liability Company;
CODE COLLECTIVE, LLC a New York limited liability company;
JED McCALEB, an individual;
MARK KARPELES, an individual;
JOHN DOES 1-5, and CORPORATE JOHN DOES 1-5**

DEFENDANTS

PLAINTIFFS' MOTION TO QUASH AND FOR PROTECTIVE ORDER

COME NOW, the Plaintiffs, Dr. Donald Raggio and Dr. Chris Raggio, and file this Motion to Quash certain subpoenas that have been issued to third parties, University Medical Center and BancorpSouth (See Exhibits A, B and C). In the alternative, the Plaintiffs request the entry of a protective order ordering an *in camera* inspection and limiting the discovery subpoenas only to that information which is relevant to the underlying dispute and prohibiting the Defendants and their attorneys from disclosing and/or using the information contained in or learned from the subpoenaed documents outside of this litigation. In further support of this motion, the Doctors would show as follows:

1. Defendants' discovery subpoenas are improper because the requested documents sought contain confidential and protected information pertaining to the Doctors' financial background and history, as well as their employment records. Furthermore, the subpoenas are

overbroad and burdensome. Accordingly, the subpoenas should be quashed.

2. In addition, the discovery subpoenas seek documents that are irrelevant to the claims and defenses in this lawsuit. Accordingly, if this Court determines there is any relevant information contained in the sought documents, then a protective order should be entered restricting the subpoenas only to such information as may be relevant to the parties' claims and defenses in this case and prohibiting the Defendants and their attorneys from disclosing and/or using the information contained in or learned from the subpoenaed documents outside of this litigation.

3. In support of this Motion, the Doctors rely upon their Memorandum of Authorities, which is being filed contemporaneously with this Motion.

WHEREFORE PREMISES CONSIDERED, Plaintiffs respectfully request that the Court enter an Order quashing the subject *subpoena duces tecum*. In the alternative, Plaintiffs request an entry of a protective order ordering an *in camera* inspection of the requested documents and limiting the discovery subpoenas only to that information which is relevant to the underlying dispute and prohibiting the Defendants and their attorneys from disclosing and/or using the information contained in or learned from the subpoenaed documents outside of this litigation. Plaintiffs request such additional relief as this Court seems just and proper.

RESPECTFULLY SUBMITTED, this the 1st day of May, 2017.

**DR. DONALD RAGGIO AND
DR. CHRIS RAGGIO**

s/Charles "Brad" Martin
CHARLES "BRAD" MARTIN, MSB# 100767

OF COUNSEL:
MITCHELL H. TYNER, SR., MSB# 8169
CHARLES "BRAD" MARTIN, MSB# 100767

TYNER, GOZA, STACEY & MARTIN, LLC

114 West Center Street

Canton, MS 39046

Phone: 601-401-1111

Fax: 601-957-6554

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a true and correct copy of the above and foregoing pleading via the Court's electronic filing system on the following:

Edwin S. Gault, Jr., Esq.
Mandie B. Robinson, Esq.
Forman Watkins & Krutz LLP
200 South Lamar Street, Suite 100
Jackson, Mississippi 39201-4099

Ethan Jacobs, Esq.
Keller Sloan Roman Holland, LLP
555 Montgomery Street, 17th Floor
San Francisco, CA 94111
ejacobs@ksrh.com

Respectfully submitted, this the 1st day of May, 2017.

s/ Charles B. Martin
CHARLES "BRAD" MARTIN, MSB# 100767

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI

DR. DONALD RAGGIO
DR. CHRIS RAGGIO

PLAINTIFFS

VS.

CAUSE NO. 14-CV-00071-TTG

MTGOX, et al.

DEFENDANTS

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STATE OF MISSISSIPPI
COUNTY OF HINDS

TO ANY LAWFUL OFFICER OR ANY OTHER PERSON AUTHORIZED TO
SERVE SUBPOENA:

We command you to summon

University of Mississippi Medical Center
Department of Human Resources
2500 N. State St.
Jackson, MS 39216

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Zack Wallace, Circuit Clerk

By: _____

[Signature] D.C.

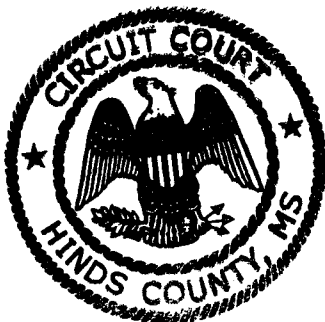


EXHIBIT A

Prepared By:

EDWIN S. GAULT, JR., MSB #10187
MANDIE B. ROBINSON, MSB #100446
FORMAN WATKINS & KRUTZ LLP
200 South Lamar Street, Ste. 100
Jackson, MS 39201-4099
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Win.gault@formanwatkins.com

PROOF OF SERVICE

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_____ on (date) _____; or

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Date: _____

Server's signature

Printed name and title

Server's address

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COUNTY OF _____

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THIS, the _____ day of _____, 2017.

Process Server

SWORN AND SUBSCRIBED, before me this _____ day _____, 2017.

NOTARY PUBLIC

My Commission Expires: _____

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI

DR. DONALD RAGGIO
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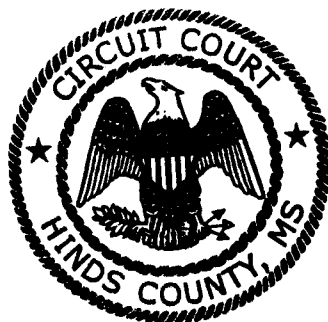
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BancorpSouth
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Circuit Court of Hinds County, Mississippi
Zack Wallace, Circuit Clerk

By: [Signature] D.C.

EXHIBIT B

Prepared By:

EDWIN S. GAULT, JR., MSB #10187
MANDIE B. ROBINSON, MSB #100446
FORMAN WATKINS & KRUTZ LLP
200 South Lamar Street, Ste. 100
Jackson, MS 39201-4099
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County of Lee

- () I personally delivered a copy of the Subpoena on the ____ day of _____, 2017, to _____.
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By: _____
Deputy Sheriff

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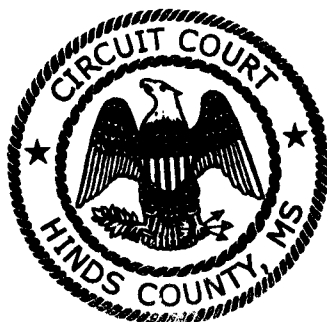


EXHIBIT C

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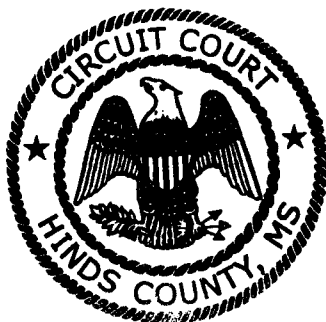
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**DR. DONALD RAGGIO
DR. CHRIS RAGGIO**

PLAINTIFFS

VS.

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TIBANE KK, a Japanese corporation;
MUTUM SIGILLUM, LLC a Delaware limited Liability Company;
CODE COLLECTIVE, LLC a New York limited liability company;
JED McCALEB, an individual;
MARK KARPELES, an individual;
JOHN DOES 1-5, and CORPORATE JOHN DOES 1-5**

DEFENDANTS

**PLAINTIFFS' MEMORANDUM OF AUHORITIES IN SUPPORT
OF MOTION TO QUASH AND FOR PROTECTIVE ORDER**

Plaintiffs, Dr. Donald Raggio and Dr. Chris Raggio (the "Doctors"), submit their memorandum of authorities in support of their motion to quash the *subpoenas duces tecum* which have been issued for various non-parties because the requested documents contain confidential and protected information, are overly broad and burdensome, and are wholly irrelevant to the claims and defenses of this lawsuit. In the alternative, the Doctors seek a protective order ordering an *in camera* inspection and limiting the discovery subpoenas only to that information which is relevant to the underlying dispute and prohibiting the Defendants and their attorneys from disclosing and/or using the information contained in or learned from the subpoenaed documents outside of this litigation.

The Doctors show as follows:

I. BACKGROUND

This cause of action arises out of the failure to deliver bitcoins. Plaintiffs, Doctors Chris and Donald Raggio wired money to purchase 9,400 bitcoins from Defendant, Jed McCaleb in California (hereinafter referred to as “California Defendant”). To deliver the bitcoins, California Defendant required the Raggios to open an account on his bitcoin exchange called MTGOX. California Defendant was the sole proprietor of MTGOX exchange, which he built out to become the largest bitcoin exchange in the world. Pursuant to California Defendant’s directions, Mississippi buyers, Chris and Donald Raggio, wired money to California Defendant, who would purchase the bitcoins and place the bitcoins in their account with his online exchange MTGOX. MTGOX was an online bitcoin exchange which California Defendant launched in July 2010, and by 2013 was handling 70% of all bitcoin transactions. California Defendant was the creator of MTGOX, which allowed for the trading of bitcoins much like a typical stock exchange. Traders of bitcoins would place their bitcoins into individual accounts on the MTGOX exchange.

In December 2010, the Doctors opened a MTGOX account and began to acquire bitcoins from other individuals on the MTGOX exchange. However, the Doctors were limited in the dollar amount which could be withdrawn each day. The MTGOX account was funded by wire transfers from Donald Raggio’s bank account directly to California Defendant. On January 9, 2011, Chris Raggio discovered that 9,400 bitcoins were missing from the Doctors’ MTGOX account and, on the same date, contacted California Defendant regarding the missing bitcoins. Chris Raggio discovered on January 10, 2011 the online address of where the stolen bitcoins had been transferred and immediately notified California Defendant as to same. Later, it was determined that another MTGOX account holder (“Baron”) had stolen the bitcoins from the Raggios’ MTGOX account and

placed them into his own account. California Defendant took control of and froze both the Doctors' account and Baron's account that consisted of the stolen bitcoins and \$45,000. The Doctors never received delivery of the bitcoins and filed suit in this matter on March 5, 2014 against numerous defendants.

On April 26, 2017, Defendants issued there (3) subpoenas duces tecum to the following third parties with which the Doctors have either conduct banking or have been employed by:

1. University of Mississippi Medical Center – for Donald Raggio
2. University of Mississippi Medical Center – for Chris Raggio
3. BancorpSouth – for Chris and Don Raggio

In their subpoenas to University of Mississippi Medical Center, the Defendants command that it produce “All employment records, any emails sent or received on any employment email account, and all payment records – including any records regarding direct deposit of any employee compensation...” for Donald Raggio and Chris Raggio. The subpoena issued to BancorpSouth seeks “All records of accounts owned by either Christopher “Chris” Raggio or Donald “Don” Raggio, from Dec 1, 2010 through March 5, 2014. *See* Motion, Exhibits A, B, and C.

These documents sought by the subpoenas contain confidential and protected information concerning the Doctors' financial background and history, employment and wage history, and employment emails. The subpoena to University of Mississippi Medical Center is not limited in scope nor time and would undoubtedly contain patient-physician information that is protected by federal law. The requested documents are not relevant to any party's claim or defense in this case. Accordingly, the subpoenas should be quashed. In the alternative, if this Court determines that the documents are discoverable, the Court should enter a protective order ordering an *in camera*

inspection and limiting the discovery subpoenas only to that information which is relevant to the underlying dispute and prohibiting the Defendants and their attorneys from disclosing and/or using the information contained in or learned from the subpoenaed documents outside of this litigation.

II. ARGUMENT AND AUTHORITIES

Defendants' *subpoenas duces tecum* are a blatant abuse of the broad subpoena power authorized by the Mississippi Rules of Civil Procedure. Defendants utilize the subpoena power in an effort not to obtain just wholly irrelevant information, but non-public, confidential information in an attempt to harass and annoy the Doctors. Each of the subpoenas should be quashed and/or limited by a protective order.

A. The Subpoenas Duces Tecum Should Be Quashed

1. Standard of Review

Mississippi Rule of Civil Procedure 45(d)(1)(A) deals with situations where a subpoena should be quashed if the subpoena “(i) fails to allow reasonable time for compliance; (ii) *requires disclosure of privileged or other protected matter* and no exception or waive applies, (iii) designates an improper place for examination, or (iv) subjects a person to undue burden or expense.” (emphasis added).

Additionally, the protections of Rule 26(b) apply to documents subpoenaed under Rule 45. *Mitcham v. Ill Cent. Gulf R. Co.*, 515 So.2d 852, 857 (Miss. 1987). The matter sought by the party issuing the subpoena must be reasonably calculated to lead to admissible evidence as required by the last sentence of Rule 26(b)(1). *See Flechas v. Pitts*, 138 So.3d 907, 911 (Miss. 2014) (granting a motion to quash where a subpoena requesting all attorney records pertaining to a decedent included information irrelevant to a will contest that was before the court). *See also Ezell v. Parker*, 2015

U.S. Dist. LEXIS 24344 (S.D. Miss. Feb. 27, 2015) (quashing a subpoena in a FLSA case which requested information about facilities other than where the plaintiff was employed).

Because the Mississippi Rules of Civil Procedure are modeled on the Federal Rules of Civil Procedure, federal interpretations of state counterparts are looked upon as persuasive authority. *Hartford Cas. Ins. Co., v. Hailburton Co.* 826 So.2d 1206, 1216 (Miss. 2001). A party has standing to quash a subpoena aimed at a nonparty when the requested information claims some personal right or privilege regarding the document sought. *Brown v. Braddick*, 595 F.2d 961, 967 (9th Cir. 1979). A party has standing to challenge a subpoena issued to a non-party if the subpoena seeks proprietary, confidential, or protected information sensitive to a party. See, e.g., *Old Towne Dev. Grp., L.L.C. v. Matthews*, 2009 U.S. Dist. LEXIS 58661 (M.D. La. July 9, 2009) (finding a party has standing to challenge a subpoena issued to a bank because he claimed a legitimate privacy interest in the requested bank records).

2. The instant subpoenas should be quashed.

Each of the above-referenced subpoenas command the non-parties to produce confidential and protected documents relating to the Doctors' financial background and history, employment records and compensation, as well as all emails sent or received on any employment email account. It is undisputed that the Doctors have a legitimate interest in all the requested documents at issue as they may reveal information that is confidential and proprietary. And as noted above, the subpoena issued to the University of Mississippi Medical Center is neither limited in time nor scope and would include many emails that pertain to the Doctors' patients as well as other irrelevant matters.

Furthermore, the subpoenas exceed the bounds of relevancy under Miss. R. Civ. P. 26 as none of the documents sought are relevant to any claim or defense that has been asserted in this

cause. The basic questions at issue in this litigation concern the non-delivery of bitcoins. The claims and defenses in this matter have absolutely nothing to do with the Doctor's financial information or work history. Accordingly, such requests should be quashed.

B. In the Alternative, the Subpoenas Duces Tecum Should be Precluded or Limited by a Protective Order

This Court has inherent authority to enter orders respecting discovery and pretrial matters for all cases pending on its docket. Rule 26 of the Mississippi Rules of Civil Procedure provides that the Court may enter protective orders regarding discovery, including an order preventing or limiting discovery. Miss. R. Civ. P. 26(d).

A discovery subpoena is subject to the limits of Miss. R. Civ. P. 26. *See Flechas*, 138 So.3d 907, 910. Rule 26(d) provides that the “for good cause shown, the court in which the action is pending...may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression or undue burden or expense.” Primary among the limitations of Rule 26 is the requirement that the discovery requests be relevant. Miss. R. Civ. P. 26(b). Discovery requests must be relevant to the issues raised by the claims or defenses at issue. *Id.*

Defendants' various subpoenas are nothing more than an attempt to harass the Doctors and exceed the bounds or relevancy. As stated above, this matter concerns the non-delivery of bitcoins and nothing to do with the Doctors' financial and employment background/history.

Pursuant to Rule 26, the Doctors move for a protective order “that the discovery not be had.” In the event that this Court determines the subpoenas seek information that may be relevant in this matter, the Doctors respectfully request the Court enter a protective order ordering an *in camera* inspection of the documents, limiting the discovery subpoenas only to that information which is

relevant to the underlying dispute, and prohibiting the Defendants and their attorneys from disclosing and/or using the information contained in or learned from the subpoenaed documents outside of this litigation.

III. CONCLUSION

For the reasons stated herein, and as set forth in their motion to quash and for protective order, the Plaintiffs respectfully request that the enter an Order quashing the subject *subpoena duces tecum*. In the alternative, Plaintiffs request an entry of a protective order ordering an *in camera* inspection of the requested documents and limiting the discovery subpoenas only to that information which is relevant to the underlying dispute and prohibiting the Defendants and their attorneys from disclosing and/or using the information contained in or learned from the subpoenaed documents outside of this litigation. Plaintiffs request such additional relief as this Court seems just and proper.

RESPECTFULLY SUBMITTED, this the 1st day of May, 2017.

**DR. DONALD RAGGIO AND
DR. CHRIS RAGGIO**

s/Charles “Brad” Martin
CHARLES “BRAD” MARTIN, MSB# 100767

OF COUNSEL:
MITCHELL H. TYNER, SR., MSB# 8169
CHARLES “BRAD” MARTIN, MSB# 100767
TYNER, GOZA, STACEY & MARTIN, LLC
114 West Center Street
Canton, MS 39046
Phone: 601-401-1111
Fax: 601-957-6554

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a true and correct copy of the above and foregoing pleading via the Court's electronic filing system on the following:

Edwin S. Gault, Jr., Esq.
Mandie B. Robinson, Esq.
Forman Watkins & Krutz LLP
200 South Lamar Street, Suite 100
Jackson, Mississippi 39201-4099

Ethan Jacobs, Esq.
Keller Sloan Roman Holland, LLP
555 Montgomery Street, 17th Floor
San Francisco, CA 94111
ejacobs@ksrh.com

Respectfully submitted, this the 1st day of May, 2017.

s/ Charles B. Martin
CHARLES "BRAD" MARTIN, MSB# 100767

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI

DR. DONALD RAGGIO
DR. CHRIS RAGGIO

PLAINTIFFS

VS.

CAUSE NO. 14-CV-00071-TTG

MTGOX, et al.

DEFENDANTS

SUBPOENA DUCES TECUM

STATE OF MISSISSIPPI
COUNTY OF HINDS

TO ANY LAWFUL OFFICER OR ANY OTHER PERSON AUTHORIZED TO
SERVE SUBPOENA:

We command you to summon

University of Mississippi Medical Center
Department of Human Resources
2500 N. State St.
Jackson, MS 39216

pursuant to Rule 45 (d)(2) of the Mississippi Rules Civil Procedure to mail (or otherwise produce) to/at the offices of Forman Watkins, & Krutz, LLP, 200 South Lamar Street, Suite 100, Jackson, Mississippi 39201-4099, by May 12, 2017, the following items, to wit:

ITEMS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO

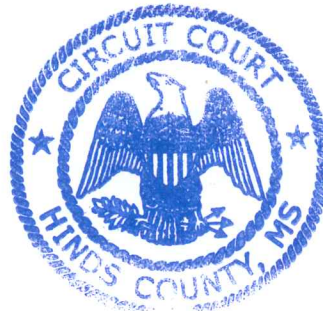
Herein you should not fail under the penalty in such case made and provided and have then and there this writ.

WITNESS MY HAND AND SEAL OF SAID COURT, this the 26 day of April, 2017.

ATTEST A TRUE COPY
APR 26 2017
ZACK WALLACE, CIRCUIT CLERK
BY [Signature] D.C.

Circuit Court of Hinds County, Mississippi
Zack Wallace, Circuit Clerk

By: [Signature] D.C.



Prepared By:

EDWIN S. GAULT, JR., MSB #10187
MANDIE B. ROBINSON, MSB #100446
FORMAN WATKINS & KRUTZ LLP
200 South Lamar Street, Ste. 100
Jackson, MS 39201-4099
Post Office Box 22608
Jackson, MS 39225-2608
Telephone: (601) 960-8600
Facsimile: (601) 960-8613
win.gault@formanwatkins.com
mandie.robinson@formanwatkins.com

EXHIBIT "A"

All employment records; any emails sent or received on any employment email account from December 1, 2010 through March 5, 2014; and all payment records - including any records regarding direct deposit of any employee compensation, from December 1, 2010 through March 5, 2014, for:

Name: Dr. Christopher "Chris" Raggio

Return to: Forman Watkins and Krutz, LLP
c/o Edwin S. Gault, Esq.
200 South Lamar Street, Suite 200
Jackson, MS 39201
Win.gault@formanwatkins.com

PROOF OF SERVICEI received this subpoena for *(name of individual and title, if any)* _____on *(date)* _____.☒ I served the subpoena by delivering a copy to the named person as follows: _____Theresia Rogers4-27-17on *(date)* _____

; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena required the attendance of a witness at a deposition or hearing, was issued on behalf of the United States, or on behalf of one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: 4-27-17Timothy Latham

Server's signature

Timothy Latham

Printed name and title

200 S. Lamar, Jxn, Ms. 39201

Server's address

STATE OF Mississippi
COUNTY OF Hinds

Personally came and appeared before me the undersigned authority in and for the aforesaid jurisdiction, Timothy Latham, who after having been by me first duly sworn, did state upon oath that the matters being set forth in the foregoing *Proof of Service* is true and correct.

THIS, the 27th day of April, 2017.

Timothy Latham
Process Server

SWORN AND SUBSCRIBED, before me this 27th day of April, 2017.

Sheila L. Toth
NOTARY PUBLIC

My Commission Expires: August 15, 2018



IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI

DR. DONALD RAGGIO
DR. CHRIS RAGGIO

PLAINTIFFS

VS.

CAUSE NO. 14-CV-00071-TTG

MTGOX, et al.

DEFENDANTS

SUBPOENA DUCES TECUM

STATE OF MISSISSIPPI
COUNTY OF HINDS

TO ANY LAWFUL OFFICER OR ANY OTHER PERSON AUTHORIZED TO
SERVE SUBPOENA:

We command you to summon

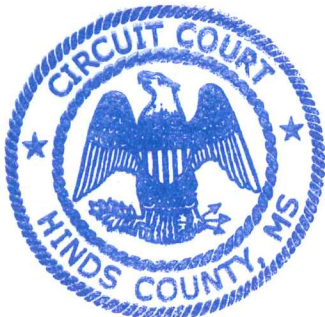
University of Mississippi Medical Center
Department of Human Resources
2500 N. State St.
Jackson, MS 39216

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ITEMS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO

Herein you should not fail under the penalty in such case made and provided and have
then and there this writ.

WITNESS MY HAND AND SEAL OF SAID COURT, this the 26 day of April,
2017.



Circuit Court of Hinds County, Mississippi
Zack Wallace, Circuit Clerk

ATTEST A TRUE COPY D.C.
APR 26 2017
ZACK WALLACE, CIRCUIT CLERK
BY D.C.

Prepared By:

EDWIN S. GAULT, JR., MSB #10187
MANDIE B. ROBINSON, MSB #100446
FORMAN WATKINS & KRUTZ LLP
200 South Lamar Street, Ste. 100
Jackson, MS 39201-4099
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Jackson, MS 39225-2608
Telephone: (601) 960-8600
Facsimile: (601) 960-8613
win.gault@formanwatkins.com
mandie.robinson@formanwatkins.com

EXHIBIT "A"

All employment records; any emails sent or received on any employment email account from December 1, 2010 through March 5, 2014; and all payment records - including any records regarding direct deposit of any employee compensation, from December 1, 2010 through March 5, 2014, for:

Name: Dr. Donald Raggio

Return to: Forman Watkins and Krutz, LLP
c/o Edwin S. Gault, Esq.
200 South Lamar Street, Suite 200
Jackson, MS 39201
Win.gault@formanwatkins.com

PROOF OF SERVICE

I received this subpoena for (name of individual and title, if any) _____

on (date) _____

☒ I served the subpoena by delivering a copy to the named person as follows: _____Theresia Rogers4-27-17

on (date) _____

; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena required the attendance of a witness at a deposition or hearing, was issued on behalf of the United States, or on behalf of one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: 4-27-17Timothy Latham

Server's signature

Timothy Latham

Printed name and title

200 S. Lamar, Jxn, Ms., 39201

Server's address

STATE OF MississippiCOUNTY OF Hinds

Personally came and appeared before me the undersigned authority in and for the aforesaid jurisdiction, Timothy Latham, who after having been by me first duly sworn, did state upon oath that the matters being set forth in the foregoing *Proof of Service* is true and correct.

THIS, the 27th day of April, 2017.

Timothy Latham
Process Server

SWORN AND SUBSCRIBED, before me this 27th day of April, 2017.

Sheila L. Toth
NOTARY PUBLIC

My Commission Expires: August 15, 2018

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI**

**DR. DONALD RAGGIO
DR. CHRIS RAGGIO**

PLAINTIFFS

VS.

CIVIL ACTION NO. 14-71

**MTGOX a sole proprietorship;
MTGOX, Inc., a Delaware corporation;
MT.GOX KK, a Japanese corporation;
TIBANE KK, a Japanese corporation;
MUTUM SIGILLUM, LLC a Delaware limited Liability Company;
CODE COLLECTIVE, LLC a New York limited liability company;
JED McCALEB, an individual;
MARK KARPELES, an individual;
JOHN DOES 1-5, and CORPORATE JOHN DOES 1-5**

DEFENDANTS

NOTICE OF SERVICE OF DISCOVERY

Please take notice that Dr. Donald Raggio has this day served in the above entitled action the following:

- 1) Plaintiff Donald Raggio's Fourth Set of Interrogatories to Defendants Jed McCaleb and Code Collective, LLC.**

The undersigned retain the originals as custodian thereof.

This the 2nd day of April, 2017.

**DR. DONALD RAGGIO AND
DR. CHRIS RAGGIO**

s/Charles "Brad" Martin
CHARLES "BRAD" MARTIN, MSB# 100767

OF COUNSEL:

MITCHELL H. TYNER, SR., MSB# 8169
CHARLES “BRAD” MARTIN, MSB# 100767
TYNER, GOZA, STACEY & MARTIN, LLC
114 West Center Street
Canton, MS 39046
Phone: 601-401-1111
Fax: 601-957-6554

CERTIFICATE OF SERVICE

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Edwin S. Gault, Jr., Esq.
Mandie B. Robinson, Esq.
Forman Watkins & Krutz LLP
200 South Lamar Street, Suite 100
Jackson, Mississippi 39201-4099

Ethan Jacobs, Esq.
Keller Sloan Roman Holland, LLP
555 Montgomery Street, 17th Floor
San Francisco, CA 94111
ejacobs@ksrh.com

Respectfully submitted, this the 2nd day of April, 2017.

s/ Charles B. Martin
CHARLES "BRAD" MARTIN, MSB# 100767

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI**

**DR. DONALD RAGGIO
DR. CHRIS RAGGIO**

PLAINTIFFS

VS.

CIVIL ACTION NO. 14-71

**MTGOX a sole proprietorship;
MTGOX, Inc., a Delaware corporation;
MT.GOX KK, a Japanese corporation;
TIBANE KK, a Japanese corporation;
MUTUM SIGILLUM, LLC a Delaware limited Liability Company;
CODE COLLECTIVE, LLC a New York limited liability company;
JED McCALEB, an individual;
MARK KARPELES, an individual;
JOHN DOES 1-5, and CORPORATE JOHN DOES 1-5**

DEFENDANTS

NOTICE OF SERVICE OF DISCOVERY

Please take notice that the Plaintiffs have this day served in the above entitled action the following:

- 1) **Plaintiffs Dr. Donald Raggio and Dr. Chris Raggio's Third Set of Request for Production of Documents to Defendants Jeb McCaleb and Code Collective, LLC**

The undersigned retain the originals as custodian thereof.

This the 2nd day of April, 2017.

**DR. DONALD RAGGIO AND
DR. CHRIS RAGGIO**

s/Charles "Brad" Martin
CHARLES "BRAD" MARTIN, MSB# 100767

OF COUNSEL:

MITCHELL H. TYNER, SR., MSB# 8169

CHARLES “BRAD” MARTIN, MSB# 100767

TYNER, GOZA, STACEY & MARTIN, LLC

114 West Center Street

Canton, MS 39046

Phone: 601-401-1111

Fax: 601-957-6554

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a true and correct copy of the above and foregoing pleading via the Court's electronic filing system on the following:

Edwin S. Gault, Jr., Esq.
Mandie B. Robinson, Esq.
Forman Watkins & Krutz LLP
200 South Lamar Street, Suite 100
Jackson, Mississippi 39201-4099

Ethan Jacobs, Esq.
Keller Sloan Roman Holland, LLP
555 Montgomery Street, 17th Floor
San Francisco, CA 94111
ejacobs@ksrh.com

Respectfully submitted, this the 2nd day of April, 2017.

s/ Charles B. Martin
CHARLES "BRAD" MARTIN, MSB# 100767

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI**

**DR. DONALD RAGGIO
DR. CHRIS RAGGIO**

PLAINTIFFS

VS.

CIVIL ACTION NO. 14-71

**MTGOX a sole proprietorship;
MTGOX, Inc., a Delaware corporation;
MT.GOX KK, a Japanese corporation;
TIBANE KK, a Japanese corporation;
MUTUM SIGILLUM, LLC a Delaware limited Liability Company;
CODE COLLECTIVE, LLC a New York limited liability company;
JED McCALEB, an individual;
MARK KARPELES, an individual;
JOHN DOES 1-5, and CORPORATE JOHN DOES 1-5**

DEFENDANTS

**ORDER REGARDING DEFENDANTS' MOTION TO QUASH
AND FOR PROTECTIVE ORDER**

THIS CAUSE having come before the Court pursuant to a hearing on April 18, 2017 as to Defendants Jed McCaleb and Code Collective, LLC's Motion to Quash and for Protective Order. Having reviewed the submissions and arguments of the parties, and being otherwise fully advised in the premises, the Court ORDERS as follows:

1) The Plaintiffs shall have Letters Rogatory properly issued from this Court and have said Letters Rogatory delivered to the appropriate courts in J.P. Morgan Chase Bank, N.A. and Google, Inc.'s home state, requesting that those courts issue subpoenas for bank records and copies of emails for accounts held by Jed McCaleb from January 1, 2010 to December 31, 2014. Defendant shall provide to Plaintiffs any authorization necessary for the release of the requested information and/or document.

2) Any documents requested and produced shall be delivered SEALED to the attorneys for the Defendants at the address below. At a mutually convenient time to all parties, all produced document and things shall be UNSEALED in the presents of all parties. Defendants shall review all documents FIRST and then shall have the documents Bates-stamped. Thereafter, Defendant shall produce the documents to Plaintiffs. A privilege log of any documents to which Defendant shall object to producing shall be developed and given to Plaintiffs, and the privileged log shall be produced to this Court, should further discovery be necessary.

SO ORDERED this the 2nd day of May, 2017.



CIRCUIT COURT JUDGE

Agreed as to form only:

s/ Charles "Brad" Martin
MITCHELL H. TYNER, SR., MSB# 8169
CHARLES "BRAD" MARTIN, MSB# 100767
TYNER LAW FIRM, P.A.
114 West Center Street
Canton, MS 39046
Phone: (601) 825-1111
Fax: (601) 957-6554
mtyner@tynerlawfirm.com
bmartin@tynerlawfirm.com
Attorneys for the Plaintiffs

s/ Edwin S. Gault, Jr.
EDWIN S. GAULT, JR., ESQ., MSB# 10187
MANDIE B. ROBINSON, ESQ., MSB# 100446
Forman Watkins & Krutz LLP
200 South Lamar Street, Suite 100
Jackson, Mississippi 39201-4099
Phone: (601) 960-8600
Fax: (601) 960-8613
win.gault@formanwatkins.com
mandie.robinson@formanwatkins.com
Attorneys for the Defendants

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI**

**DR. DONALD RAGGIO
DR. CHRIS RAGGIO**

PLAINTIFFS

VS.

CAUSE NO. 14-CV-00071-TTG

MTGOX, et al.

DEFENDANTS

NOTICE OF SERVICE OF DISCOVERY

Code Collective, LLC, and Jed McCaleb, individually and formerly doing business as MTGOX, a sole proprietorship, by and through counsel of record, do hereby give notice to the Court that the following discovery was served as follows:

*JED MCCALED AND CODE COLLECTIVE, LLC'S SECOND SET OF
INTERROGATORIES TO PLAINTIFFS.*

The undersigned retains the originals of the above papers as custodian thereof.

Respectfully submitted, this the 5TH day of May, 2017.

**CODE COLLECTIVE, LLC, and
JED McCALEB, individually and formerly
doing business as MTGOX, a sole proprietorship**

By: /s/Mandie B. Robinson
EDWIN S. GAULT, JR., MSB #10187
MANDIE B. ROBINSON, MSB #100446

OF COUNSEL:

FORMAN WATKINS & KRUTZ LLP
200 South Lamar Street, Ste. 100
Jackson, MS 39201-4099
Post Office Box 22608
Jackson, MS 39225-2608
Telephone: (601) 960-8600
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win.gault@formanwatkins.com
mandie.robinson@formanwatkins.com

ETHAN JACOBS
HOLLAND LAW, LLP
220 Montgomery Street, Suite 800
San Francisco, California 94104
Telephone: (415) 200-4984
ejacobs@hollandlawllp.com

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a true and correct copy of the above and foregoing pleading via the Court's electronic mail system on the following:

Mitchell H. Tyner, Sr.
Charles Brad Martin
TYNER, GOZA, STACEY & MARTIN, LLC
114 West Center Street
Canton, MS 39046
mtyner@tynerlawfirm.com
bmartin@tynerlawfirm.com

Respectfully submitted, this the 5TH day of May, 2017.

/s/ Mandie B. Robinson
MANDIE B. ROBINSON

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI**

**DR. DONALD RAGGIO
DR. CHRIS RAGGIO**

PLAINTIFFS

VS.

CAUSE NO. 14-CV-00071-TTG

MTGOX, et al.

DEFENDANTS

NOTICE OF SERVICE OF DISCOVERY

Code Collective, LLC, and Jed McCaleb, individually and formerly doing business as MTGOX, a sole proprietorship, by and through counsel of record, do hereby give notice to the Court that the following discovery was served as follows:

*JED MCCALED AND CODE COLLECTIVE, LLC'S FOURTH SET OF
REQUEST FOR PRODUCTION OF DOCUMENTS TO PLAINTIFFS.*

The undersigned retains the originals of the above papers as custodian thereof.

Respectfully submitted, this the 5TH day of May, 2017.

**CODE COLLECTIVE, LLC, and
JED McCALEB, individually and formerly
doing business as MTGOX, a sole proprietorship**

By: /s/Mandie B. Robinson
EDWIN S. GAULT, JR., MSB #10187
MANDIE B. ROBINSON, MSB #100446

OF COUNSEL:

FORMAN WATKINS & KRUTZ LLP
200 South Lamar Street, Ste. 100
Jackson, MS 39201-4099
Post Office Box 22608
Jackson, MS 39225-2608
Telephone: (601) 960-8600
Facsimile: (601) 960-8613
win.gault@formanwatkins.com
mandie.robinson@formanwatkins.com

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ejacobs@hollandlawllp.com

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Mitchell H. Tyner, Sr.
Charles Brad Martin
TYNER, GOZA, STACEY & MARTIN, LLC
114 West Center Street
Canton, MS 39046
mtyner@tynerlawfirm.com
bmartin@tynerlawfirm.com

Respectfully submitted, this the 5TH day of May, 2017.

/s/ Mandie B. Robinson
MANDIE B. ROBINSON

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI

DR. DONALD RAGGIO
DR. CHRIS RAGGIO

PLAINTIFFS

VS.

CAUSE NO. 14-CV-00071-TTG

MTGOX, et al.

DEFENDANTS

RESPONSE TO MOTION TO COMPEL DISCOVERY RESPONSES

Code Collective, LLC and Jed McCaleb (together, “McCaleb”), hereby respond to the Raggios’ motion to compel discovery responses.

1. The Raggios seek discovery of **any and all** types of financial information from McCaleb for a **seven-year** period beginning nearly a decade ago – on the sole basis that they have alleged “conversion” and “conspiracy” in their Complaint.

2. The Raggios’ sole argument as to why this discovery is appropriate rests on their allegations that McCaleb converted (stole) their bitcoins and conspired with others to steal their bitcoins. The record in this case is devoid of any evidence to support these allegations.

3. The requested information and documents are not relevant, and thus not discoverable under Rule 26(b)(1) of the Mississippi Rules of Civil Procedure.

4. Further, because of the confidential and private nature of financial documents, there is a heightened standard for their production. Indeed, the very case Raggios rely upon in their motion to argue McCaleb’s tax returns should be discoverable, actually supports McCaleb’s position. *See Channel Control Merchants, LLC v. Davis*, 2012 WL 1365743, at *1 (S.D. Miss. Apr. 19, 2012). The court in *Channel* pointed out the high standard for forcing a party to produce tax returns, stating:

[i]n order to compel the disclosure of tax returns, “the court must find both ‘that the returns are relevant to the subject matter of the action,’ and ‘that there is a

compelling need for the returns because the information contained therein is not otherwise readily obtainable.”

Id. at *1.¹

5. In *Channel*, the plaintiff company sued defendants for inducing employees to join a competing company, allowing the competing company to make numerous salvage purchases the plaintiff would have made.² The court reasoned the tax returns were discoverable because the plaintiffs had put their own finances at issue by claiming entitlement to lost profits, without being willing to show the defendants their overhead expenses that would be used to calculate such an award. *See also Cenac v. Murry*, 609 So. 2d 1257, 1274 (Miss. 1992) (noting financial statements from store’s operation before and after sale would be relevant to show lost income due to prior owner’s harassment attempting to force store’s new owners to forfeit ownership back to him); *Cazorla v. Koch Foods of Mississippi, LLC*, 287 F.R.D. 388, 391 (S.D. Miss. 2012) (holding plaintiffs’ income irrelevant to discrimination claims and noting, “[m]oreover, a party seeking to compel another party’s tax returns must ordinarily demonstrate both relevance and a compelling need for them.”). This does not apply in this case.

6. For these reasons, the Raggios’ Motion to Compel should be denied, and McCaleb should be awarded all attorneys’ fees and expenses incurred responding to the motion.

¹ *Id.* (quoting Louisiana cases *Dawson Farms, LLC v. BASF Corp.*, 2007 WL 519476, at * 1 (W.D. La. Feb.15, 2007) and *Mohnot v. Bhansali*, 2001 WL 515242 at *1 (E.D. La. May 11, 2001)). *See also* 70 A.L.R.2d 240 (1960) (noting “the trial court may impose stringent requirements upon the moving party to establish grounds for the production of federal income tax returns.”).

² *See* Expert Report of Robert H. Alexander, Jr., filed in *Channel*, *supra*, 2012 WL 6629836 (S.D.Miss. Mar. 1, 2012).

Respectfully submitted, this the 8th day of May, 2017.

**CODE COLLECTIVE, LLC, and
JED McCaleb, individually and formerly
doing business as MTGOX, a sole proprietorship**

By: /s/Mandie B. Robinson
EDWIN S. GAULT, JR., MSB #10187
MANDIE B. ROBINSON, MSB #100446

OF COUNSEL:

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CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a true and correct copy of the above and foregoing document via email on the following:

Mitchell H. Tyner, Sr.
Charles Brad Martin
TYNER, GOZA, STACEY & MARTIN, LLC
114 West Center Street
Canton, MS 39046
mtyner@tynerlawfirm.com
bmartin@tynerlawfirm.com

This the 8th day of May, 2017.

/s/ Mandie B. Robinson
MANDIE B. ROBINSON

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI

DR. DONALD RAGGIO
DR. CHRIS RAGGIO

PLAINTIFFS

VS.

CAUSE NO. 14-CV-00071-TTG

MTGOX, et al.

DEFENDANTS

**MOTION FOR PROTECTIVE ORDER FROM DISCOVERY OF FINANCIAL
INFORMATION**

Jed McCaleb and Code Collective, LLC, (collectively McCaleb), file this motion for a protective order pursuant to Rule 26(d).

1. The Raggios seek discovery of **any and all** types of financial information from McCaleb for a **seven-year** period beginning nearly a decade ago – on the sole basis that they have alleged “conversion” and “conspiracy” in their Complaint.

2. The Raggios’ sole argument as to why this discovery is appropriate rests on their allegations that McCaleb converted (stole) their bitcoins and that McCaleb conspired with others to steal the bitcoins. The record in this case is devoid of any evidence to support these allegations.

3. The requested information and documents are not relevant, and thus not discoverable under Rule 26(b)(1) of the Mississippi Rules of Civil Procedure.

4. Further, the Raggios’ overly burdensome requests are completely improper. *See Fred's Stores of Mississippi, Inc. v. M & H Drugs, Inc.*, 725 So. 2d 902, 919 (Miss. 1998) (finding no error in “denying Fred’s motion to compel ‘all financial information’ of M & H Drugs).

5. Moreover, McCaleb's financial information is confidential and private, and McCaleb will suffer true prejudice if the information is not protected.¹ This very real prejudice clearly outweighs the Raggios' unsupported allegations of conspiracy or conversion.

6. Because the information is not discoverable, McCaleb is entitled to a protective order to protect from annoyance, embarrassment, oppression, and the undue burden and expense of responding to these outlandish requests.

WHEREFORE, because the mass of private financial information requested by the Raggios is not discoverable, McCaleb seeks a protective order from this Court protecting his financial information from discovery. McCaleb seeks such other relief as this Court deems proper under the circumstances.

Respectfully submitted, this the 8th day of May, 2017.

**CODE COLLECTIVE, LLC, and
JED McCALEB, individually and formerly
doing business as MTGOX, a sole proprietorship**

By: /s/Mandie B. Robinson
EDWIN S. GAULT, JR., MSB #10187
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mandie.robinson@formanwatkins.com

¹ See *Channel Control Merchants, LLC v. Davis*, 2012 WL 1365743, at *1 (S.D. Miss. Apr. 19, 2012) (cited in Plaintiffs' Memorandum in Support of Motion to Compel, Document # 81) (noting the court was "aware of the confidential and sensitive nature" of the requested financial records).

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bmartin@tynerlawfirm.com

This the 8th day of May, 2017.

/s/ Mandie B. Robinson
MANDIE B. ROBINSON

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI**

**DR. DONALD RAGGIO
DR. CHRIS RAGGIO**

PLAINTIFFS

VS.

CAUSE NO. 14-CV-00071-TTG

MTGOX, et al.

DEFENDANTS

RESPONSE TO PLAINTIFFS' MOTION TO QUASH AND FOR PROTECTIVE ORDER

Code Collective, LLC and Jed McCaleb (together, "McCaleb"), hereby respond to the Raggios' motion to quash subpoenas and for a protective order and state as follows:

1. The Raggios filed this suit asserting McCaleb is liable to re-pay the Raggios 9,400 bitcoins which they claim were stolen from their address on the MTGOX bitcoin exchange by a hacker.

2. Based on the circumstances, and on certain allegations made by the Raggios, McCaleb has issued subpoenas to obtain information from BancorpSouth Bank and the Raggios' employer, the University of Mississippi Medical Center ("UMMC").¹

3. The Raggios filed a motion to quash these subpoenas, claiming they seek irrelevant information. However, the Raggios' own actions and allegations throughout this case have made it clear that such information is relevant as discussed below.

- The Raggios' briefing, and the contents of Chris Raggio's emails to Jed McCaleb, show that Chris Raggio is very sophisticated regarding bitcoin and computer usage, explaining he has an undergraduate degree in computer science, was a software engineer at Skytel, and has a "strong background in finance, economics, . . . and computer science."²

¹ McCaleb is still unclear as to whether Chris Raggio was employed by UMMC during any of the time at issue in the subpoenas.

² See Plaintiffs' Response to Defendants' Motion for Summary Judgment ("Response"), Doc. #77. at p. 3.

- Emails show that for unknown reasons, Chris Raggio actually used his father's email account to contact Jed McCaleb, and was originally falsely signing those emails under his father's name.³
- The Raggios' briefing further notes it was Chris Raggio who convinced his father that purchasing bitcoin would be a good investment, and to give Chris the initial capital he lacked to make the initial bitcoin purchases.⁴
- When Chris claimed he discovered bitcoins were "missing," he was the one who used his computer skills to trace the address "where the stolen bitcoins had been transferred."⁵
- Over the next several days, Chris Raggio corresponded with Jed McCaleb about the alleged thief's methods, including Jed McCaleb's discovery that the Raggios' account was actually accessed by someone with the Raggios' password, not a hacker.⁶
- The IP address for certain computer logins to the Raggios' MTGOX account were from UMMC.⁷
- Chris Raggio later informed Jed McCaleb that he was purchasing bitcoins in order to hide assets from his wife during a divorce.
- Although the Raggios' briefing repeatedly discusses the educational background and prior employment of Chris Raggio, it does not disclose his current employment or any source of income since the mid 2000's. However, information from the Mississippi Secretary of State shows Chris has created and dissolved at least two businesses in Mississippi since 2013. One business he described on Resume.com, attempted to get

³ See Emails between the Raggios and McCaleb, attached as Exhibit A.

⁴ Response at p. 3-4.

⁵ *Id.* at p. 4; Exhibit A, Emails at p. 6.

⁶ See Exhibit A, Emails at pp. 6-11.

⁷ *Id.* at p. 9.

doctors to use a phone app he claimed to have created to allow doctors to monitor patient activity.⁸ However, it appears these business/investment attempts failed, leaving the question open as to how/where Chris Raggio has obtained income over the years.

4. In totality, these facts show Chris Raggio certainly had the ability, motive, possible need, and the access to simply move the bitcoins - and if asked by his wife or father - to blame the loss on MTGOX. On the other hand, since Don Raggio must currently know of his son's motive to hide assets from his wife (since they are represented by the same counsel), then Don may have known or even been complicit in the acts as they were occurring in 2010. If this is the case, it is certainly reasonable to question his knowledge into this alleged theft as well.

5. Recognizing Chris Raggio's self-interest in these transactions and his understanding of the technology involved, there is a good faith basis to believe it was Chris behind the alleged "hack" all along, either with or without his father's knowledge.

6. An account at BancorpSouth was used to fund purchases of bitcoins and where U.S. dollars were wired upon withdrawals from the Raggio account, making that account relevant. It is also possible Chris Raggio had one or more other accounts that could show additional activity with MTGOX which Chris could have conducted under an alias as part of his scheme to hide assets. The subpoena is properly limited in scope to the time bitcoins/money from the theft may have been moved, and actually seeks records from 2 years less time than the time period the Raggios have argued is relevant in their Motion to Compel bank records from McCaleb.⁹

⁸ See Printouts from Mississippi Secretary of State and Resume.com, attached as Exhibit B.

⁹ See Plaintiffs' Memorandum of Law in Support of Motion to Compel Discovery Responses, Doc. #81, at p. 4.

7. Further, Chris Raggio logged into the bitcoin address from UMMC. If he, or his father, used any UMMC email address to correspond with any third party or even each other about bitcoins or this lawsuit, that information is highly relevant. Moreover, employment and payment records from the relevant time will reveal matters such as whether Chris Raggio was employed, had a source of income, and identify any accounts with any other banking institutions in which paychecks to either Plaintiff were deposited.¹⁰

8. The requested information is relevant. Relevant evidence is discoverable under Rule 26(b)(1) of the Mississippi Rules of Civil Procedure. Evidence is relevant if “(a) it has any tendency to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence in determining the case.” *See* MISS. R. EVID. 401. Based on the overwhelming circumstances discussed above, the evidence requested by the subpoenas certainly has a “tendency” to make the fact of the Raggios’ involvement in the alleged theft more or less probable, which itself is of consequence in this case.

9. McCaleb does not seek production of any patient/doctor protected material. To the extent any records from UMMC mention any patient, McCaleb has no objection to the Raggios being allowed to redact such information prior to production.

For these reasons, the Raggios’ Motion to Quash and for Protective Order should be denied.

¹⁰ The original form of the subpoenas issued to UMMC were inadvertently not limited in scope, but the proper subpoenas which request records for the time period the Plaintiffs claim is relevant (Dec. 2010 – March 2014) were immediately issued and the clerk replaced the originals. *See* current Documents #82 and 84, attached together as Exhibit C. These were the only subpoenas served upon UMMC.

Respectfully submitted, this the 11th day of May, 2017.

**CODE COLLECTIVE, LLC, and
JED McCALEB, individually and formerly
doing business as MTGOX, a sole proprietorship**

By: /s/Mandie B. Robinson
EDWIN S. GAULT, JR., MSB #10187
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bmartin@tynerlawfirm.com

This the 11th day of May, 2017.

/s/ Mandie B. Robinson
MANDIE B. ROBINSON

2/12/12

Gmail - account funded by wire



Don Raggio <donaId.raggio@gmail.com>

account funded by wire

65 messages

Don Raggio <donaId.raggio@gmail.com>
To: info@mtgox.com

Mon, Dec 20, 2010 at 11:30 PM

Hello,

I'm based in the US. I would like set up a Mt Gox account (right now I am having difficulty) and fund it with a wire transfer of \$25000 USD. Can you help me with the wire transfer. Please give me the account and wire instructions.

Thanks,

Don

Jed McCaleb <admin@mtgox.com>
To: Don Raggio <donaId.raggio@gmail.com>

Tue, Dec 21, 2010 at 6:19 AM

Hi Don,
You can send the wire to:
Jed McCaleb
Chase
SWIFT: CHASUS33XXX
routing#: 021272723
account#: [REDACTED]

My bank charges \$15 for an incoming wire from the US and I think \$50 for an international one.
Send me an email letting me know the amount you sent so I can keep an eye out for it.
Thanks,
Jed.

[Quoted text hidden]

Don Raggio <donaId.raggio@gmail.com>
To: Jed McCaleb <admin@mtgox.com>

Tue, Dec 21, 2010 at 10:01 AM

Ok I created an account called donraggio. Can you place the funds in that account? Thanks for your help.

Don

[Quoted text hidden]

Don Raggio <donaId.raggio@gmail.com>
To: Jed McCaleb <admin@mtgox.com>

Tue, Dec 21, 2010 at 10:03 AM

Let me know If you can put it in the donraggio account. I'll wire the money and let you know when it is sent.

2/12/12

Gmail - account funded by wire

Don

On Tuesday, December 21, 2010, Jed McCaleb <admin@mtgox.com> wrote:

[Quoted text hidden]

Don Raggio <donald.aggio@gmail.com>

Tue, Dec 21, 2010 at 10:39 AM

To: Jed McCaleb <admin@mtgox.com>

Is it ok if I give you a call and talk about this. I just have some questions about doing the wire. I appreciate you taking the time. My number is [6016725100](tel:6016725100)

Don

On Tuesday, December 21, 2010, Jed McCaleb <admin@mtgox.com> wrote:

[Quoted text hidden]

Jed McCaleb <admin@mtgox.com>

Tue, Dec 21, 2010 at 3:30 PM

To: Don Raggio <donald.aggio@gmail.com>

Hi Don,
Yeah I can put it in that account.
I'm actually on vacation right now so it is hard to call. Can I call you thursday?
Thanks,
Jed.

[Quoted text hidden]

Don Raggio <donald.aggio@gmail.com>

Tue, Dec 21, 2010 at 9:16 PM

To: Jed McCaleb <admin@mtgox.com>

Is it ok if I send \$5000 to start?

Don

On Tuesday, December 21, 2010, Jed McCaleb <admin@mtgox.com> wrote:

[Quoted text hidden]

Jed McCaleb <admin@mtgox.com>

Wed, Dec 22, 2010 at 1:05 AM

To: Don Raggio <donald.aggio@gmail.com>

Sure how ever much you want to send.
Thanks
Jed

[Quoted text hidden]

Jed McCaleb <admin@mtgox.com>

Thu, Dec 23, 2010 at 6:37 AM

To: Don Raggio <donald.aggio@gmail.com>

Hi Don,
I'm around today. If you still want me to call you I can.
Thanks,

2/12/12

Gmail - account funded by wire

Jed.

[Quoted text hidden]

Don Raggio <donald.raggio@gmail.com>

Thu, Dec 23, 2010 at 9:50 AM

To: Jed McCaleb <admin@mtgox.com>

What number can I reach you at?

Don

[Quoted text hidden]

Jed McCaleb <admin@mtgox.com>

Thu, Dec 23, 2010 at 11:16 AM

To: Don Raggio <donald.raggio@gmail.com>

[\(917\) 740-7509](tel:9177407509) but let me know when you want to call so I'll be around.

[Quoted text hidden]

Don Raggio <donald.raggio@gmail.com>

Fri, Dec 24, 2010 at 8:55 AM

To: Jed McCaleb <admin@mtgox.com>

I'm going to send \$5000 to be placed in the donraggio account on mt gox. Thanks. I'll send the wire today. If you have any questions you can reach me at [6016725100](tel:6016725100)

On Tuesday, December 21, 2010, Jed McCaleb <admin@mtgox.com> wrote:

[Quoted text hidden]

Don Raggio <donald.raggio@gmail.com>

Fri, Dec 24, 2010 at 9:15 AM

To: Jed McCaleb <admin@mtgox.com>

Funds should be wired today.

Thanks

[Quoted text hidden]

Jed McCaleb <admin@mtgox.com>

Fri, Dec 24, 2010 at 10:01 AM

To: Don Raggio <donald.raggio@gmail.com>

Ok great I'll be looking for it.

Thanks,

Jed.

[Quoted text hidden]

Don Raggio <donald.raggio@gmail.com>

Fri, Dec 24, 2010 at 9:11 PM

To: Jed McCaleb <admin@mtgox.com>

Jed,

Please let me know when to expect it to be in the account.
Thanks for your help. Chris

Don

[Quoted text hidden]

2/12/12

Gmail - account funded by wire

Don Raggio <donaId.raggio@gmail.com>
To: Jed McCaleb <admin@mtgox.com>

Sat, Dec 25, 2010 at 12:28 AM

Jed,

Please let me know when to expect it to be in the account. Thanks

Don

[Quoted text hidden]

Jed McCaleb <admin@mtgox.com>
To: Don Raggio <donaId.raggio@gmail.com>

Sat, Dec 25, 2010 at 6:29 AM

It is there now.

Thanks,

Jed.

[Quoted text hidden]

Don Raggio <donaId.raggio@gmail.com>
To: Jed McCaleb <admin@mtgox.com>

Mon, Dec 27, 2010 at 9:58 AM

Thanks. The wire worked fine. May I send another for \$15000 to be placed in my account?

[Quoted text hidden]

Jed McCaleb <admin@mtgox.com>
To: Don Raggio <donaId.raggio@gmail.com>

Mon, Dec 27, 2010 at 10:08 AM

Yep I'll look out for it.

Thanks,

Jed.

[Quoted text hidden]

Don Raggio <donaId.raggio@gmail.com>
To: Jed McCaleb <admin@mtgox.com>

Mon, Dec 27, 2010 at 12:26 PM

Sent it.

[Quoted text hidden]

Don Raggio <donaId.raggio@gmail.com>
To: Jed McCaleb <admin@mtgox.com>

Mon, Dec 27, 2010 at 2:05 PM

Hey, I'm looking to make a bulk purchase with the USD I sent. Can you tell me how I can get the best deal for the money? Do you have any large bulk sellers or anyone that would place a large dark pool order?

Donald

[Quoted text hidden]

Jed McCaleb <admin@mtgox.com>

Mon, Dec 27, 2010 at 3:15 PM

2/12/12

Gmail - account funded by wire

To: Don Raggio <dona1d.raggio@gmail.com>

Hi Donald,
Well it depends on how fast you are hoping to convert the \$ to BTC.
I'd suggest placing a large dark pool order around .27 and then you
will pick up any BTC that people are trying to sell. but it will
probably take a few days to get filled.
I see your wire as pending. it will probably clear by tomorrow.
Thanks,
Jed.
[Quoted text hidden]

Don Raggio <dona1d.raggio@gmail.com>

Tue, Dec 28, 2010 at 12:27 PM

To: Jed McCaleb <admin@mtgox.com>

Ok, waiting for it to fill. We'll see how the market plays out.

Don
[Quoted text hidden]

Don Raggio <dona1d.raggio@gmail.com>

Tue, Dec 28, 2010 at 2:02 PM

To: Jed McCaleb <admin@mtgox.com>

Ok, once the wire clears I'll try the dark pool order as you
suggested. Thanks for the advice.

Don
[Quoted text hidden]

Jed McCaleb <admin@mtgox.com>

Tue, Dec 28, 2010 at 2:08 PM

To: Don Raggio <dona1d.raggio@gmail.com>

Oh it cleared this morning. I thought I saw you trading it.
Thanks,
Jed.
[Quoted text hidden]

Don Raggio <dona1d.raggio@gmail.com>

Tue, Dec 28, 2010 at 6:30 PM

To: Jed McCaleb <admin@mtgox.com>

Yeah, I was able to make the trade. Thanks for your help. If I
need to am I able to make withdrawals via wire or ACH transfer? How
would I go about doing it?

Thanks

Don
[Quoted text hidden]

Jed McCaleb <admin@mtgox.com>

Tue, Dec 28, 2010 at 7:53 PM

To: Don Raggio <dona1d.raggio@gmail.com>

Yeah I can ACH you your money back if you need it. That is the

2/12/12

Gmail - account funded by wire

cheapest option. I'll just need your account and routing number.

Also I noticed you have your dark pool order set to "Dark pool only". You might want to set it to "dark pool and normal" so you can pick up the trades as people sell small amounts of BTC. The "only" option will just fill from other dark pool orders which will take longer to happen.

Jed.

[Quoted text hidden]

Don Raggio <donaId.raggio@gmail.com>

Wed, Dec 29, 2010 at 5:49 AM

To: Jed McCaleb <admin@mtgox.com>

Jed can you send me 10,000 USD from my account?

My information is

Routing number 084201278

Account [REDACTED]

If ACH won't work do you need more information to wire it to my BancorpSouth account? Let me know if there is a fee for wiring. Thanks for your service.

[Quoted text hidden]

Jed McCaleb <admin@mtgox.com>

Wed, Dec 29, 2010 at 6:31 AM

To: Don Raggio <donaId.raggio@gmail.com>

Ok no problem. I sent it back to you.

Thanks,

Jed.

[Quoted text hidden]

Don Raggio <donaId.raggio@gmail.com>

Sun, Jan 9, 2011 at 10:36 PM

To: Jed McCaleb <admin@mtgox.com>

Somebody is conducting unauthorized withdrawals on my account. They've taken 9k in BTC so far. I changed the password. Please Advise. All were sent to 1DVQEpTFjxYpZMVy4Bam9MCxeGETmMmQCh

Don

[Quoted text hidden]

Don Raggio <donaId.raggio@gmail.com>

Sun, Jan 9, 2011 at 11:03 PM

To: Jed McCaleb <admin@mtgox.com>

Now I am trying to withdraw and I am getting invalid bitcoin address

[Quoted text hidden]

Don Raggio <donaId.raggio@gmail.com>

Mon, Jan 10, 2011 at 3:18 AM

<https://mail.google.com/mail/?ui=2&ik=42dadbb538&view=pt&search=inbox&th=12d076893352933e>

RAGGIO 00029

6/14

Exhibit A

2/12/12

Gmail - account funded by wire

To: Jed McCaleb <admin@mtgox.com>

can you give me IP address of who access my account for those withdrawals?

[Quoted text hidden]

Jed McCaleb <admin@mtgox.com>

Mon, Jan 10, 2011 at 3:26 AM

To: Don Raggio <dona1d.raggio@gmail.com>

Oh jeez that's bad.

I would go to IRC channel #bitcoin-dev and talk to theymos. He wrote a block explorer that you can use to possibly track where the coins went.

Any idea how someone got your password?

Jed.

[Quoted text hidden]

Jed McCaleb <admin@mtgox.com>

Mon, Jan 10, 2011 at 3:27 AM

To: Don Raggio <dona1d.raggio@gmail.com>

well I'm only storing the last login IP which was: 75.64.232.81

[Quoted text hidden]

Donald Raggio <dona1d.raggio@gmail.com>

Mon, Jan 10, 2011 at 4:14 AM

To: Jed McCaleb <admin@mtgox.com>

No I have no idea I just ran a key logger scanner and found nothing. I ran block explored and just saw a new address. Is there anything I can do?

Sent from my iPhone

[Quoted text hidden]

Donald Raggio <dona1d.raggio@gmail.com>

Mon, Jan 10, 2011 at 4:15 AM

To: Jed McCaleb <admin@mtgox.com>

The last one would be me.

Sent from my iPhone

[Quoted text hidden]

Donald Raggio <dona1d.raggio@gmail.com>

Mon, Jan 10, 2011 at 4:17 AM

To: Jed McCaleb <admin@mtgox.com>

Can I withdraw my bitcoins in a few minutes? I think last withdrawal was at 530 yesterday?

Sent from my iPhone

[Quoted text hidden]

Donald Raggio <dona1d.raggio@gmail.com>

Mon, Jan 10, 2011 at 4:19 AM

To: Jed McCaleb <admin@mtgox.com>

Can you keep monitoring the ip address and keep a log?

2/12/12

Gmail - account funded by wire

Sent from my iPhone

On Jan 10, 2011, at 3:27 AM, Jed McCaleb <admin@mtgox.com> wrote:

> 75.64.232.81

Don Raggio <donald.raggio@gmail.com>

Mon, Jan 10, 2011 at 4:44 AM

To: Jed McCaleb <admin@mtgox.com>

Please freeze account and send remaining bitcoin balance to
1DAFkiM5uxRDJb7UCqSX4RpRJPmh1M5ETF

Please watch
1DVQEPTFjxYpZMVy4Bam9MCxeGETmMmQCh

This is where stolen coins went.

freeze BTCs if they come back to Mt. Gox.

Please log IPs and see if another IP tries to access account. They most certainly will since there were 3 withdrawals in a row.

Thanks Jed.
Chris (for Don)
[Quoted text hidden]

Jed McCaleb <admin@mtgox.com>

Mon, Jan 10, 2011 at 4:51 AM

To: Don Raggio <donald.raggio@gmail.com>

Yeah I froze the account and I'm logging all IP's on login now but you should change the password back to the one that they have so they are able to login still so we can see what their IP is.

[Quoted text hidden]

Donald Raggio <donald.raggio@gmail.com>

Mon, Jan 10, 2011 at 4:55 AM

To: Jed McCaleb <admin@mtgox.com>

Ok I changed the password back to the one it was before. Hopefully they will try to log in again.

Chris (for Don).

Sent from my iPhone
[Quoted text hidden]

Donald Raggio <donald.raggio@gmail.com>

Mon, Jan 10, 2011 at 5:11 AM

To: Jed McCaleb <admin@mtgox.com>

The password is changed. I just logged in and logged out. Maybe we will get the ip of the person who did it. My only guess is that I got hit by a keylogger. I will scan my laptop today. This is bad but hopefully you can send the rest of the btcs once enough days have passed. Thanks for your help.

Chris (for Don)

2/12/12

Gmail - account funded by wire

[Quoted text hidden]

Jed McCaleb <admin@mtgox.com>

Mon, Jan 10, 2011 at 9:32 AM

To: Donald Raggio <dona1d.raggio@gmail.com>

ok someone logged in from: 192.231.69.201

[Quoted text hidden]

Jed McCaleb <admin@mtgox.com>

Mon, Jan 10, 2011 at 9:34 AM

To: Donald Raggio <dona1d.raggio@gmail.com>

Maybe still you guys?

<http://www.ip2location.com/free.asp>

says:

MISSISSIPPI JACKSON UNIVERSITY OF MISSISSIPPI MEDICAL CENTER

[Quoted text hidden]

Donald Raggio <dona1d.raggio@gmail.com>

Mon, Jan 10, 2011 at 11:03 AM

To: Jed McCaleb <admin@mtgox.com>

That's us. Thanks for checking. Please keep watching.

Chris

Sent from my iPhone

[Quoted text hidden]

Donald Raggio <dona1d.raggio@gmail.com>

Mon, Jan 10, 2011 at 12:21 PM

To: Jed McCaleb <admin@mtgox.com>

So right now the plan is for you to send it to my bitcoin address? How many days will you need? If so I won't log in so you can see where the other party is coming from.

Chris (for Don)

Sent from my iPhone

[Quoted text hidden]

Don Raggio <dona1d.raggio@gmail.com>

Tue, Jan 11, 2011 at 4:49 AM

To: Jed McCaleb <admin@mtgox.com>

Jed

once enough days have passed do you think you can send the remaining balance to:
1DAFkiM5uxRDJb7UCqSX4RpRJPmh1M5ETF ?

Otherwise we can unfreeze the account and do daily withdrawals with a new password.

Thanks for your help and for talking ot me yesterday. Obviously this is a tough situation and I hope not to encounter it again. Thanks for guiding me through. I honestly don't know who could have done it. THat's why I was thinking it was a key logger. I just looked at the activity of the address in block explorer and haven't seen any new transactions. I haven't logged in the account since yesterday. I don't know if the other party has

2/12/12

Gmail - account funded by wire

attempted to log in. please let me know if you see any activity.

Thanks

Chris (for Don).

[Quoted text hidden]

Donald Raggio <dona1d.raggio@gmail.com>

Tue, Jan 11, 2011 at 7:52 AM

To: Jed McCaleb <admin@mtgox.com>

Please let me know when enough days will have passed that you can withdraw the bitcoins to my bitcoin address. Thanks for your help.

Chris (for Don)

Sent from my iPhone

[Quoted text hidden]

Jed McCaleb <admin@mtgox.com>

Tue, Jan 11, 2011 at 8:49 AM

To: Donald Raggio <dona1d.raggio@gmail.com>

I'll send it to you next monday on the 17th.

Thanks,

Jed.

[Quoted text hidden]

Donald Raggio <dona1d.raggio@gmail.com>

Wed, Jan 12, 2011 at 6:31 PM

To: Jed McCaleb <admin@mtgox.com>

Thanks for sending it on the 17th. I logged in again just to see if there had been any activity. I didn't see anything logged.

Sent from my iPhone

[Quoted text hidden]

Donald Raggio <dona1d.raggio@gmail.com>

Sat, Jan 15, 2011 at 4:48 PM

To: Jed McCaleb <admin@mtgox.com>

Ok thanks for sending it monday. Please let me know what address it's going to. Also has anyone accessed the account? I logged in once.

Chris (for Don)

Thanks

[Quoted text hidden]

Donald Raggio <dona1d.raggio@gmail.com>

Mon, Jan 17, 2011 at 8:20 AM

To: Jed McCaleb <admin@mtgox.com>

Please let me know when you send it. Please let me know if there are any problems. Thanks for your help.

Chris (for Don)

[Quoted text hidden]

2/12/12

Gmail - account funded by wire

Jed McCaleb <admin@mtgox.com>
To: Donald Raggio <donaId.raggio@gmail.com>

Mon, Jan 17, 2011 at 8:41 AM

ok what address do you want me to send it to?
[Quoted text hidden]

Don Raggio <donaId.raggio@gmail.com>
To: Jed McCaleb <admin@mtgox.com>

Mon, Jan 17, 2011 at 8:58 AM

Jed,
Please send entire balance to address

12fZ2HxkLjG9zn1u44XYsFFYKHM4A2zCea

Please let me know if there are any problems
Thanks,

Chris (for Don)

[Quoted text hidden]

Jed McCaleb <admin@mtgox.com>
To: Don Raggio <donaId.raggio@gmail.com>

Mon, Jan 17, 2011 at 9:05 AM

ok there you go.
Have the stolen ones bent sent anywhere yet?
[Quoted text hidden]

Don Raggio <donaId.raggio@gmail.com>
To: Jed McCaleb <admin@mtgox.com>

Mon, Jan 17, 2011 at 9:23 AM

Jed,

Thanks for sending them out. The stolen ones are still at the same address. I don't know who has control over them or what he or she plans to do with them. The log from bitcoin explorer is below. I don't know how the password was obtained. It wasn't an easy to guess password. My only guess is a keylogger. I ran software to detect one on that PC but none were found so I don't know what happened. I guess they never bothered to login again to your site. If they are careless enough to return them from that address to MtGox please seize them. Let me know if you want to unfreeze my account at MtGox (and for me to change the password) or if it is just better to create a new account given what's happened. Right now I'm just leaving it as is hoping they will login again and get their IP logged. The information about the stolen coins is below. Good luck running your site. I wish we could have spent more time with you discussing bitcoin's potential instead of this problem. Maybe we'll have a chance to do that yet. The future is very promising.

Chris (for Don)

**Address 1DVQEPTFjxYpZMVy4Bam9MCxeGEtmM
mQCh**

2/12/12

Gmail - account funded by wire

Short link: <http://blockexplorer.com/a/6C87FrVcb1>

- First seen²: [Block 101362](#) (2011-01-07 01:01:26)
- Received transactions: 4
- Received BTC: 9 506.33
- Sent transactions: 1
- Sent BTC: 100
- Hash160²: 89008dfd301ad098e368693d8bf9bcdedf78bd6c
- Public key²:
04f0ceb57cc8038334c56317dc152c523f6dbb854f14f2ac63a7e9c227b9e1cee24f6bb2dcde2d9eb6f19acf57
bd0eae4d7f9324905fa505f8a1a14b02a0b5c159

Ledger²

Note: While the last "balance" is the accurate number of bitcoins available to this address, it is likely not the balance available to this person. Every time a transaction is sent, some bitcoins are usually sent back to yourself *at a new address* (not included in the Bitcoin UI), which makes the balance of a single address misleading. See [the wiki](#) for more info on transactions.

Transaction ²	Block ²	Amount ²	Type ²	From/To ²	Balance ²
691967a006...	Block 101362 (2011-01-07 01:01:26)	100	Received: Address	• 19n8ogD8imviHn9iZSpmUgdZqjTuDxzDwv	100
f73d2bb200...	Block 101362 (2011-01-07 01:01:26)	100	Sent: Address	• 1Lnfce21qYa4WMZF4iVUFz9F39tHmz7W • 12VLe9wFVdio8gEjRqFJdZ1g5qBDVfZkJ	0
4d69213ee5...	Block 101380 (2011-01-07 02:49:29)	3134.8	Received: Address	• 1K5PeNuth8dtyeBrAhw8c2n899gBvGKTut • 16GanxZBBxbSeWa177iSi6Y42zirxxJLnz • 1JCmxZiJBkQSpYEdYoukRcEz23YrMWBzF	3134.8
a7b9ea9363...	Block 101607 (2011-01-08 10:27:16)	3174.6	Received: Address	• 1JSiXdtNihFuVp16pGfJeK8DBTAmAVDteV • 19FuFSs6pVUsKrqUpnyRbZp5XGYSatpwUD • 1CRCF7qQPv9Sybe5RUN9ZcsQfqbyXycqyR • 1EJxHS9F3BDME8r8gEijKVWc2rMKCD3Ssx • 15fFrMJZkZ7YA1YRQT3PN41uKpkiRmN5ap • 1JHQRFF5P9867t9hiqmPxn9rpZUZjb92C • 16r2pK9zySywLi1beVRqCaRgCtW2rkucZ • 1MgHNzdUuNsE3N5gym5ojPuHGtPmifbosC • 1DEY3nw7vJUMXm5SoaVLxMG3rYeY5nP	6309.4

2/12/12

Gmail - account funded by wire

[14a797025a...](#) (2011-01- 3096.93 Received: [hmc](#) 9406.33
09 Address • [1NeJmfjhzqqpxskJrzFJoBebcjhyFaggZd](#)
10:47:30) • [1Ay3N616QnNBp7bXwjKjatANHyKE2b](#)
[NfiHR](#)
• [13peLjL4LDQm2tiubYQjxYV8JhaJg](#)
[QQPy](#)
• [1LiMB3VwERw317K2RGh6ahJj3QaoTt](#)
[RJG2](#)

[Bitcoin Block Explorer](#) (beta) - Donate: [1Cwr8AsCfbbVQ2xoWiFD1Gb2VRbGsEf28](#)

[Quoted text hidden]

Donald Raggio <donaId.raggio@gmail.com>

Sun, Jan 23, 2011 at 4:17 PM

To: Jed McCaleb <admin@mtgox.com>

Jed,

The stolen ones still haven't moved. Can you check and see if anybody has logged in?

Chris (for Don)

[Quoted text hidden]

Jed McCaleb <admin@mtgox.com>

Mon, Jan 24, 2011 at 6:10 AM

To: Donald Raggio <donaId.raggio@gmail.com>

No still no logins other than you.

[Quoted text hidden]

Donald Raggio <donaId.raggio@gmail.com>

Mon, Jan 24, 2011 at 6:11 AM

To: Jed McCaleb <admin@mtgox.com>

Thanks for checking.

[Quoted text hidden]

Don Raggio <donaId.raggio@gmail.com>

Tue, Feb 1, 2011 at 8:09 PM

To: Jed McCaleb <admin@mtgox.com>

Jed, do you think we got hit by these guys running a dictionary attack?

<http://www.bitcoin.org/smf/index.php?topic=3089.0>

Chris (for Don)

[Quoted text hidden]

Jed McCaleb <admin@mtgox.com>

Tue, Feb 1, 2011 at 8:24 PM

To: Don Raggio <donaId.raggio@gmail.com>

2/12/12

Gmail - account funded by wire

I don't think so. The attack happened after your account was stolen from. and also these guys didn't take BTC. They would just convert it to USD and take LR.
The coins still haven't moved?

[Quoted text hidden]

Donald Raggio <donaId.raggio@gmail.com>

Tue, Feb 1, 2011 at 9:04 PM

To: Jed McCaleb <admin@mtgox.com>

Jed

They haven't moved the coins. I'm still not sure what happened. I ran spyshelter a keylogger detector and didn't find anything. Here is the block info.

[Quoted text hidden]

On Feb 1, 2011, at 8:24 PM, Jed McCaleb <admin@mtgox.com> wrote:

1DVQEpfTFjxYpZMVy4Bam9MCxeGEtmMmQCh

Donald Raggio <donaId.raggio@gmail.com>

Thu, Feb 10, 2011 at 6:54 AM

To: Jed McCaleb <admin@mtgox.com>

Thanks for telling me about Theymos. It's hard for me to use IRC at work. Maybe if we could get in touch with him he could create something that monitors that address and notifies us when they are transferred. I would reward him and you with BTC for recovering the stolen BTC. Does that sound like a good idea?

PS

Thanks for creating such a cool platform.

Chris (for Don)

[Quoted text hidden]

Jed McCaleb <admin@mtgox.com>

Thu, Feb 10, 2011 at 7:39 AM

To: Donald Raggio <donaId.raggio@gmail.com>

Ok I sent him an email.

[Quoted text hidden]

Don Raggio <donaId.raggio@gmail.com>

Mon, Dec 26, 2011 at 3:43 AM

Draft To: Jed McCaleb <admin@mtgox.com>

[Quoted text hidden]

Gmail - Re: account funded by wire

<https://mail.google.com/mail/?ui=2&ik=42dadbb538&view=pt&search=...>

Don Raggio <donald.aggio@gmail.com>

Re: account funded by wire

32 messages

theymos <theymos@mm.st>

Thu, Feb 10, 2011 at 2:01 PM

To: donald.aggio@gmail.com

Cc: admin@mtgox.com

[Copied to Jed]

Sorry to hear about your misfortune. I can't track the thief myself, but here is some information that might help you.

Tracking BTC is difficult, especially if the attacker knows what he's doing. Here is the attacker's address history:
<http://blockexplorer.com/address/1DVQEpTFjxYpZMVy4Bam9MCxeGEtmMmQCh>

From this, you can see under the "sent" column that the owner of these addresses either knows the attacker or is the attacker:

1Lnfc21gYa4WMZFRR4iVUFz9F39tHmz7W
 12VLe9wFVdio8gEjRqFJdZ1g5qBDfVfZkJ

Looking deeper at those addresses, it's possible that the owners of these addresses also know the attacker directly or indirectly:

1LiEy7V4GK1JUMBPomx2JcCREdRdtpvuj8
 15ZpDyyehXLc8BiCUBMis5sTa2pJdNpdeD
 1BR5DuhypnMkVmJoQ2YncKiyvQgsjLjBqm
 1MTqhJjCunRRHk1UBQkkAJBc1BjRwvHpkD

Take a look at 12VLe9wFVdio8gEjRqFJdZ1g5qBDfVfZkJ's sending transaction:

<http://blockexplorer.com/tx/ff31ac4bb91cf21c96cf779b406b61bad67857812eb9610ada806cc575da069f#i302983>

That non-highlighted input address, 1HAnpTE76WTzVvEmyNmgspxZHGZqX6i1X6m, is guaranteed to also be owned by the owner of 12VLe9wFVdio8gEjRqFJdZ1g5qBDfVfZkJ.

You can also get information from the attacker's received payments. 1BR5DuhypnMkVmJoQ2YncKiyvQgsjLjBqm was paid by 19CJwUXXBSnmZCkj2hUpY1cAPZatC12TT, who therefore knows him. Look at that transaction:

<http://blockexplorer.com/tx/fb4bf12185bce7ff7c1b472fe74d4ad11560528ce57a8254a2ae23789ac2267b#o0>

The non-highlighted output address is owned by either 19CJwUXXBSnmZCkj2hUpY1cAPZatC12TT or 1BR5DuhypnMkVmJoQ2YncKiyvQgsjLjBqm.

You can continue going deeper, though it fans out quickly. The third level probably has several hundred addresses.

More "top-level" addresses will become known once the attacker spends more BTC from the target address. Keep watching the page for 1DVQEpTFjxYpZMVy4Bam9MCxeGEtmMmQCh.

To find the attacker, you need to somehow link one of these addresses to a real person, and then get them to tell you who they received the coins from. By following these transactions, you should eventually be able to trace the coins back to the attacker. You might start by asking MtGox, MyBitcoin, Vekja, and other EWallet services whether they own any of these addresses.

Some day I plan to add a feature to Bitcoin Block Explorer that will show all addresses associated with a target (as I did manually in the text above), but I am unfortunately too busy to work on that right now.

Tell me if you have any questions about getting address histories. I hope you find the thief!

On Thu, 10 Feb 2011 08:39 -0500, "Jed McCaleb" <admin@mtgox.com> wrote:

> Can I give this guy your email?

>

>

> ----- Forwarded message -----

> From: Donald Raggio <donald.aggio@gmail.com>

> Date: Thu, Feb 10, 2011 at 7:54 AM

> Subject: Re: account funded by wire

> To: Jed McCaleb <admin@mtgox.com>

>

>

Gmail - Re: account funded by wire

<https://mail.google.com/mail/?ui=2&ik=42dadbb538&view=pt&search=...>

> Thanks for telling me about Theymos. It's hard for me to use IRC at
 > work. Maybe if we could get in touch with him he could create
 > something that monitors that address and notifies us when they are
 > transferred. I would reward him and you with BTC for recovering the
 > stolen BTC. Does that sound like a good idea?
 >
 >
 >
 > PS
 >
 > Thanks for creating such a cool platform.
 >
 > Chris (for Don)
 >
 >
 >
 > On Jan 10, 2011, at 3:26 AM, Jed McCaleb <admin@mtgox.com> wrote:
 >
 > > Oh jeez that's bad.
 > > I would go to IRC channel #bitcoin-dev and talk to theymos. He wrote a
 > > block explorer that you can use to possibly track where the coins
 > > went.
 > > Any idea how someone got your password?
 > > Jed.
 > >
 > > On Sun, Jan 9, 2011 at 11:36 PM, Don Raggio <donald.raggio@gmail.com> wrote:
 > >> Somebody is conducting unauthorized withdrawals on my account. They've
 > >> taken 9k in BTC so far. I changed the password. Please Advise. All were
 > >> sent to 1DVQEPTFjxYpZMVy4Bam9MCxeGEtmMmQCh
 > >>
 > >> Don
 > >>
 >

Jed McCaleb <admin@mtgox.com>
 To: donald.raggio@gmail.com

Thu, Feb 10, 2011 at 3:40 PM

Well I'm pretty sure I found the guy if I understand theymos's site
 correctly. He has enough coins in his account to repay you also. I've
 frozen his account but want to make sure I'm right before I do
 anything.
 Do you know anyone else with an account on mtgox?
 Do you know anyone that uses this domain: contractor.net ?
 Thanks,
 Jed.
 [Quoted text hidden]

Jed McCaleb <admin@mtgox.com>
 To: donald.raggio@gmail.com

Thu, Feb 10, 2011 at 3:43 PM

Also do you mind telling me what your old password was? I assume you
 changed it. It didn't seem like the same attack that got the other
 guys password but maybe it was.
 [Quoted text hidden]

Donald Raggio <donald.raggio@gmail.com>
 To: Jed McCaleb <admin@mtgox.com>

Thu, Feb 10, 2011 at 9:21 PM

The only person know that has a mt gox account is Eric Brigham. He told me about mt gox. Never heard of contractor.net.
 Thanks
 [Quoted text hidden]

RAGGIO 00039

2/28/2014 4:35 PM

Gmail - Re: account funded by wire

<https://mail.google.com/mail/?ui=2&ik=42dadbb538&view=pt&search=...>

Donald Raggio <dona1d.raggio@gmail.com>
To: Jed McCaleb <admin@mtgox.com>

Thu, Feb 10, 2011 at 9:24 PM

do you want me to put the password in plaintext in an email or send it some other way? I changed it back to the original password after you froze the account in hopes that the attacker would log in and you would catch the ip. Let me know how you want to proceed.

Thanks
[Quoted text hidden]

Jed McCaleb <admin@mtgox.com>
To: Donald Raggio <dona1d.raggio@gmail.com>

Thu, Feb 10, 2011 at 9:27 PM

You should change the password and then email it to me in plaintext is fine.
[Quoted text hidden]

Donald Raggio <dona1d.raggio@gmail.com>
To: Jed McCaleb <admin@mtgox.com>

Thu, Feb 10, 2011 at 9:36 PM

Jed,

New password is tele9067

Thanks
[Quoted text hidden]

Jed McCaleb <admin@mtgox.com>
To: Donald Raggio <dona1d.raggio@gmail.com>

Thu, Feb 10, 2011 at 9:44 PM

no no don't tell me the new password. I meant the old password. The one that this person must have gotten somehow.
[Quoted text hidden]

Don Raggio <dona1d.raggio@gmail.com>
To: Jed McCaleb <admin@mtgox.com>

Thu, Feb 10, 2011 at 10:00 PM

the old password is ternot99

hope that helps.

Thanks
[Quoted text hidden]

Don Raggio <dona1d.raggio@gmail.com>
To: Jed McCaleb <admin@mtgox.com>

Thu, Feb 10, 2011 at 10:01 PM

i changed the mt gox password again to make it safe.

thanks
[Quoted text hidden]

Donald Raggio <dona1d.raggio@gmail.com>
To: Jed McCaleb <admin@mtgox.com>

Fri, Feb 11, 2011 at 5:16 PM

Jed,

Did you find out what you needed?

Thanks

Gmail - Re: account funded by wire

<https://mail.google.com/mail/?ui=2&ik=42dadbb538&view=pt&search=...>

Chris

[Quoted text hidden]

Jed McCaleb <admin@mtgox.com>
To: Donald Raggio <dona1d.raggio@gmail.com>

Sat, Feb 12, 2011 at 1:55 PM

Still investigating. It will take awhile I think to be sure. the suspect could have been using mybitcoin or something. Then we can't be certain it came from him.
[Quoted text hidden]

Donald Raggio <dona1d.raggio@gmail.com>
To: Jed McCaleb <admin@mtgox.com>

Sat, Feb 12, 2011 at 2:20 PM

Theymos said something about asking "Mybitcoin,, Vekja, and other EWallet services whether they own any of these addresses."

Is sending inquiries to those sites a wise next step in your investigation? thanks for looking into this for us.

Chris (for Don)

On Feb 12, 2011, at 1:55 PM, Jed McCaleb <admin@mtgox.com> wrote:

Jed McCaleb <admin@mtgox.com>
To: Donald Raggio <dona1d.raggio@gmail.com>

Sat, Feb 12, 2011 at 2:34 PM

Yeah I'm asking them...
[Quoted text hidden]

Don Raggio <dona1d.raggio@gmail.com>
To: Jed McCaleb <admin@mtgox.com>

Thu, Feb 17, 2011 at 1:32 AM

Jed,

I was wondering if it was safe to use the account for trading or if you would recommend a new one (the password has been changed)? Also have you found anything more out about the stolen ones? Is the suspect's account still frozen?

Thanks,

Chris (for Don)

[Quoted text hidden]

Jed McCaleb <admin@mtgox.com>
To: Don Raggio <dona1d.raggio@gmail.com>

Thu, Feb 17, 2011 at 4:42 AM

You can use your account as long as you have a new password. Still working on determining if this is absolutely the right guy, His account is frozen.
[Quoted text hidden]

Don Raggio <dona1d.raggio@gmail.com>
To: Jed McCaleb <admin@mtgox.com>

Tue, Feb 22, 2011 at 8:43 PM

Gmail - Re: account funded by wire

<https://mail.google.com/mail/?ui=2&ik=42dadbb538&view=pt&search=...>

Saw this posted on the forums. I don't know if this is the same guy but I thought you might want to see it if you haven't already.
<http://www.bitcoin.org/smf/index.php?topic=3712.0>

<http://www.bitcoin.org/smf/index.php?topic=3712.msg52648#msg52648>

Thanks for investigating this. Good luck.

Chris (for Don).
[Quoted text hidden]

Don Raggio <dona1d.raggio@gmail.com>
To: Jed McCaleb <admin@mtgox.com>

Wed, Feb 23, 2011 at 7:36 PM

<http://www.bitcoin.org/smf/index.php?topic=3712.msg53798#msg53798>

I'm guessing this is the guy. He mentions having the same amount of BTC that was stolen from the account.

Chris (for Don)

[Quoted text hidden]

Donald Raggio <dona1d.raggio@gmail.com>
To: Jed McCaleb <admin@mtgox.com>

Thu, Feb 24, 2011 at 9:20 PM

Saw your post on the forum

wow 16 pages!

Guys I really don't want to go into details about this until it is resolved. If baron is in fact a scammer the less he knows about what I know the better.
I'm still talking to baron and trying to get to the bottom of this.

Thanks for working on this Jed. I didn't know this would get to be such a big deal in the community. Can you please keep our names from being associated with this once it is resolved? Please don't use our real name. From reading the forum I fear retaliation even though we are the victims.

Chris (for Don)

[Quoted text hidden]

Jed McCaleb <admin@mtgox.com>
To: Donald Raggio <dona1d.raggio@gmail.com>

Thu, Feb 24, 2011 at 9:26 PM

Yeah it is pretty annoying that it is on the forum.
[Quoted text hidden]

Don Raggio <dona1d.raggio@gmail.com>
To: theymos <theymos@mm.st>

Thu, Mar 24, 2011 at 8:58 PM

Theymos,

I think Jed found the thief (Baron) but Mark (the new owner of Mt Gox) said he isn't able to complete his investigation yet and it has been put on hold due to events in Japan. Thanks for providing the information from the address history. I appreciate the work you and Jed put into tracking it down. It did help track down the thief. It's up to Mark to see if we are able to recover the stolen BTC.

Gmail - Re: account funded by wire

<https://mail.google.com/mail/?ui=2&ik=42dadbb538&view=pt&search=...>

On Thu, Feb 10, 2011 at 2:01 PM, theymos <theymos@mm.st> wrote:
 [Quoted text hidden]

theymos <theymos@mm.st>
 To: Don Raggio <donald.raggio@gmail.com>

Thu, Mar 24, 2011 at 9:09 PM

Glad I was able to help! I hope you get your money back.

On Thu, 24 Mar 2011 20:58 -0500, "Don Raggio" <donald.raggio@gmail.com> wrote:

Theymos,

I think Jed found the thief (Baron) but Mark (the new owner of Mt Gox) said he isn't able to complete his investigation yet and it has been put on hold due to events in Japan. Thanks for providing the information from the address history. I appreciate the work you and Jed put into tracking it down. It did help track down the thief. It's up to Mark to see if we are able to recover the stolen BTC.

Don Raggio <donald.raggio@gmail.com>
 To: theymos <theymos@mm.st>

Fri, May 20, 2011 at 9:58 PM

Theymos

It looks like there is a new transaction in Block Explorer dated 4-28. Do you make anything of it?

a01c1b8281...	Block 120711 (2011-04-28 20:34:02)	3096.93	Sent: Address	<ul style="list-style-type: none"> • 1MDphepGhrLrUDRUkhpHHGGd4mGsSs w94 • 1MeEDTHiSA1n1x6s9hM6qjPzs1x6vb4Y5j 	6309.4
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Chris (for Don)
 [Quoted text hidden]

theymos <theymos@mm.st>
 To: Don Raggio <donald.raggio@gmail.com>

Fri, May 20, 2011 at 10:40 PM

The scammer sent 2000 BTC to an address, and that address sent 200,000 BTC to MtGox: I'm pretty sure 1MqsE... is a MtGox address. You should inform Mark about this new development. The person who made that 200,000 BTC MtGox deposit is either the scammer or someone who dealt with him directly.

[Quoted text hidden]

Donald Raggio <donald.raggio@gmail.com>
 To: Mark Karpeles <admin@mtgox.com>

Fri, May 20, 2011 at 11:56 PM

Mark,

Here is some more information. Can you do anything?

Gmail - Re: account funded by wire

<https://mail.google.com/mail/?ui=2&ik=42dadbb538&view=pt&search=...>

Chris (for Don)

Begin forwarded message:

From: "theymos" <theymos@mm.st>
Date: May 20, 2011 10:40:08 PM CDT
To: "Don Raggio" <dona1d.raggio@gmail.com>
Subject: Re: account funded by wire

[Quoted text hidden]

Donald Raggio <dona1d.raggio@gmail.com>
To: theymos <theymos@mm.st>

Sat, May 21, 2011 at 10:40 AM

I sent Mark an e-mail. I'll let you know what his response is.

Chris (for Don)

[Quoted text hidden]

Mark Karpeles <admin@mtgox.com>
To: Donald Raggio <dona1d.raggio@gmail.com>

Sat, May 21, 2011 at 11:00 AM

Hi,

Based on what I can see, there is not much I can do at this point. Those address do not match addresses used on mtgox (and we had no such large deposit).

Mark

[Quoted text hidden]

Donald Raggio <dona1d.raggio@gmail.com>
To: theymos <theymos@mm.st>

Sat, May 21, 2011 at 11:26 AM

I guess we can keep an eye on it. I believe what he is doing is trying to get a judgement implicating the frozen funds with the theft so that they may be returned.

That's a humongous deposit. I wonder who has it. That's bad that the stolen money is now associated with it if I understand this correctly.

Chris (for Don)

Begin forwarded message:

From: Mark Karpeles <admin@mtgox.com>
Date: May 21, 2011 11:00:57 AM CDT
To: Donald Raggio <dona1d.raggio@gmail.com>
[Quoted text hidden]

[Quoted text hidden]

Donald Raggio <dona1d.raggio@gmail.com>
To: Mark Karpeles <admin@mtgox.com>

Sun, May 22, 2011 at 7:07 PM

Gmail - Re: account funded by wire

<https://mail.google.com/mail/?ui=2&ik=42dadbb538&view=pt&search=...>

All right we'll keep an eye on it. Otherwise we will just wait and see how the "legal processing" rules with respect to the funds that were frozen in connection with the theft.

Chris (for Don)

[Quoted text hidden]

Don Raggio <donald.raggio@gmail.com>
To: theymos <theymos@mm.st>

Fri, Dec 23, 2011 at 10:17 PM

Theymos,

When we last communicated the stolen bitcoins were associated with 1DVQEpTFjxYpZMVy4Bam9MCxeGEtmMmQCh. Now they appear to have been transferred to other addresses. Seems like Mt. Gox addresses but I'm not certain.

Chris (writing for Don)

On Thu, Feb 10, 2011 at 2:01 PM, theymos <theymos@mm.st> wrote:
[Quoted text hidden]

theymos <theymos@mm.st>
To: Don Raggio <donald.raggio@gmail.com>

Fri, Dec 23, 2011 at 10:46 PM

Yes, the funds do end up at MtGox eventually. I can't tell whether they're being sent to MtGox right away or if they were sold and then sent to MtGox, though.

You should let Mark know about this.

On Fri, Dec 23, 2011, at 10:17 PM, Don Raggio wrote:

Theymos,

When we last communicated the stolen bitcoins were associated with 1DVQEpTFjxYpZMVy4Bam9MCxeGEtmMmQCh. Now they appear to have been transferred to other addresses. Seems like Mt. Gox addresses but I'm not certain.

Don Raggio <donald.raggio@gmail.com>
To: Mark Karpeles <admin@mtgox.com>
Cc: theymos <theymos@mm.st>
Bcc: djraggio@gmail.com

Sat, Dec 24, 2011 at 1:33 AM

Hi,

I want to make you aware of these transfers associated with the following bitcoin address:

1DVQEpTFjxYpZMVy4Bam9MCxeGEtmMmQCh

Chris (for Don)

Chris (for Don)
[Quoted text hidden]

Gmail - (no subject)

<https://mail.google.com/mail/?ui=2&ik=42dadbb538&view=pt&search=...>

Don Raggio <dona1d.raggio@gmail.com>

(no subject)

20 messages

Jed McCaleb <admin@mtgox.com>

Sat, Feb 26, 2011 at 9:33 AM

To: Don Raggio <dona1d.raggio@gmail.com>

Hi Chris,

Can you think of a way that the thief would have gotten your mtgox username? Because he would have needed that before he did the dictionary attack.

It looks like at the very least this guy is going to give your coins back. I want to wait longer though to gather more evidence if he is in fact related to other fraud that has happened on the site.

Thanks,

Jed.

Don Raggio <dona1d.raggio@gmail.com>

Sat, Feb 26, 2011 at 12:37 PM

To: Jed McCaleb <admin@mtgox.com>

Hi Jed,

I don't know but I'll try to let you know what I have thought about. The first thought when it happened was to suspect a keylogger. You made a good point when you said most people who spy with those wouldn't know about Mt. Gox but I couldn't think of any other possibility and thought maybe they learned about Mt. Gox through the keylogger. I ran several products but nothing malignant was detected. One of those products is called Spyshe1ter premium. The other possibility is that thief through a keylogger of other means was able to access my gmail account but I didn't detect any intrusion there based on the IP log. I should have picked a different username based on a pseudonym not one so closely related to the email account name. On Mt. Gox I'll set up a new account under different name for future use. That's as much information as I have. If I think of anything else I'll let you know. If you have any advice regarding on security or could refer me somewhere I'd love to hear it. Like what secure e-mail providers to use. Strong password generators. Protection against phishing, keyloggers. Etc. Maybe this would be a good thing for all users to read so they can do their part to protect themselves and Mt. Gox from scammers. Please let me how you want to proceed from here with regard the coins and what other steps you feel necessary to resolve this.

Thanks,

Chris (for Don)

[Quoted text hidden]

Don Raggio <dona1d.raggio@gmail.com>

Sat, Feb 26, 2011 at 3:19 PM

To: Jed McCaleb <admin@mtgox.com>

Hi Jed,

Obviously I'd like the coins returned as soon as it is possible but it sounds like they have some value to in terms of conducting your investigatoin into further fraud on the site. ??? Let me know how you want to do this. Also If and when it is possible to return the coins I'm guessing we should use an alternate BC address? If I pick a new address will it link back to my wallet? Should I create a new wallet on another machine? I'm sure people on the forum are watching that address the scammer used.

Chris (for Don)

On Sat, Feb 26, 2011 at 9:33 AM, Jed McCaleb <admin@mtgox.com> wrote:

[Quoted text hidden]

Gmail - (no subject)

<https://mail.google.com/mail/?ui=2&ik=42dadbb538&view=pt&search=...>

Donald Raggio <donald.raggio@gmail.com>
To: Jed McCaleb <admin@mtgox.com>

Sat, Feb 26, 2011 at 7:52 PM

Jed,

Thanks for your help. Youve done more than we expected tracking down the coins and unexpectedly having to put up with a lot of annoying chatter on the forums. I asked Don and we still don't know how he would have gotten the username. We don't have reason to believe anyone we know personally would have gotten the username. We don't know how the thief would have gotten it. Wish we could shed more light on it.

Chris

[Quoted text hidden]

Don Raggio <donald.raggio@gmail.com>
To: Jed McCaleb <admin@mtgox.com>

Sat, Mar 5, 2011 at 3:46 PM

Hi Jed,

What's the status of the stolen coins? Did you find out how the thief got the username? Shouldn't we pick another username to trade now that that part of the account has been compromised? Thanks for your help.

Chris

[Quoted text hidden]

Don Raggio <donald.raggio@gmail.com>
To: Jed McCaleb <admin@mtgox.com>

Sat, Mar 5, 2011 at 8:57 PM

Jed,

Just saw on the forums that you are transferring Mt. Gox. Thanks for creating Mt. Gox and eDonkey among your other efforts. BTC wouldn't be where it is without your efforts. I know this growth has been exciting. It was "annoying" to say the least that some scammer that tried to create a bunch of problems for all of us. I guess that is a part of the growth. Can't wait to see Bitcoin hit \$10.

Chris

[Quoted text hidden]

Donald Raggio <donald.raggio@gmail.com>
To: Jed McCaleb <admin@mtgox.com>

Sun, Mar 6, 2011 at 10:22 AM

Jed,

I know you got a lot on your plate. Do I keep talking to you or do I talk to the new owner regarding recovery of the stolen BTC?

Chris

[Quoted text hidden]

Jed McCaleb <jed@mtgox.com>
To: Mark Karpeles <admin@mtgox.com>, donald.raggio@gmail.com

Mon, Mar 7, 2011 at 7:19 AM

Gmail - (no subject)

<https://mail.google.com/mail/?ui=2&ik=42dadbb538&view=pt&search=...>

Hi Chris,
Yeah Mark is the new owner and he will handle getting your coins back.
It will still take awhile though since he has to wait to be sure baron
is bluffing about suing us etc.
Thanks,
Jed.

On Sun, Mar 6, 2011 at 11:37 AM, Mark Karpeles <admin@mtgox.com> wrote:
[Quoted text hidden]

Donald Raggio <donald.raggio@gmail.com>
To: Mark Karpeles <admin@mtgox.com>

Tue, Mar 8, 2011 at 3:29 PM

Hi Mark,

I hope you are able to complete your investigation and return the coins. If for some reason you have to take your case public please respect our privacy wishes if possible by redacting our names or giving us a pseudonym. We don't want the "bad guy" to victimize us once again. Best wishes for Mt Gox, your company, and hope to be using your services in the future once this is cleared up.

Chris
[Quoted text hidden]

Don Raggio <donald.raggio@gmail.com>
To: Mark Karpeles <admin@mtgox.com>

Mon, Mar 14, 2011 at 7:50 AM

Mark,

I'm sure you are busy but I wanted to check in to see if there were any developmetnts with regard to stolen coins. Thanks for handling this for us.

Chris (for Don).

On Mar 7, 2011, at 7:19 AM, Jed McCaleb <jed@mtgox.com> wrote:

[Quoted text hidden]

Mark Karpeles <admin@mtgox.com>
To: Don Raggio <donald.raggio@gmail.com>

Mon, Mar 14, 2011 at 4:18 PM

Hi,

We are currently trying to escalate the issue to obtain a judgment that would tell us what to do with the stolen coins. We cannot just return them based on a decision taken on our own.

This might however take longer than expected as we have had a little problem here in Japan, and most not urgent requests were delayed to may.

Thanks,
Mark
[Quoted text hidden]

Gmail - (no subject)

<https://mail.google.com/mail/?ui=2&ik=42dadbb538&view=pt&search=...>

Don Raggio <donald.raggio@gmail.com>
To: Mark Karpeles <admin@mtgox.com>

Thu, Mar 24, 2011 at 11:50 AM

Mark,

Hope things get back to normal in Japan. Thank you for working to return the stolen coins to us. Please keep us updated.

Thanks,

Chris (for Don).

[Quoted text hidden]

Don Raggio <donald.raggio@gmail.com>
To: Mark Karpeles <admin@mtgox.com>

Thu, Mar 24, 2011 at 8:15 PM

Mark,

Is Baron still willing to hand the bitcoins over or do we have to wait for the "judgment?" Thanks

Chris (for Don)

On Mon, Mar 14, 2011 at 4:18 PM, Mark Karpeles <admin@mtgox.com> wrote:

[Quoted text hidden]

Mark Karpeles <admin@mtgox.com>
To: Don Raggio <donald.raggio@gmail.com>

Thu, Mar 24, 2011 at 11:01 PM

Hi,

Baron is requesting access to his funds and do not want to hear anything else for now. Recent problems in Japan have put a hold on most legal processing, which are reported to "later this year". I really cannot provide any ETA right now.

Mark

[Quoted text hidden]

Don Raggio <donald.raggio@gmail.com>
To: Mark Karpeles <admin@mtgox.com>

Fri, May 20, 2011 at 9:57 PM

Mark,

Did you every resolve the issue with the stolen BTC? It looks like there is a new transaction in Block Explorer dated 4-28.

[a01c1b8281...](#) [Block 120711](#) 3096.93 Sent:
(2011-04-28 20:34:02) Address

- [1MDphepGhrLrUDRUkhpHHGGd4mGsSs](#)
[w94](#) 6309.4
- [1MeEDTHiSA1n1x6s9hM6qjPzs1x6vb4Y5j](#)

Chris (for Don)

[Quoted text hidden]

Gmail - (no subject)

<https://mail.google.com/mail/?ui=2&ik=42dadbb538&view=pt&search=...>

Don Raggio <donald.aggio@gmail.com>
To: Mark Karpeles <admin@mtgox.com>

Mon, Aug 1, 2011 at 10:55 AM

Mark,

Have you heard anything about the situation with Baron or the case recently? I know a lot has happened since March. I was wondering if you could update me on the situation. If there is a docket number or equivalent can you supply it to us so that we can follow the case.

Thank you,

Chris (for Don).

On Mon, Mar 14, 2011 at 4:18 PM, Mark Karpeles <admin@mtgox.com> wrote:
[Quoted text hidden]

Mark Karpeles <admin@mtgox.com>
To: Don Raggio <donald.aggio@gmail.com>

Mon, Aug 1, 2011 at 11:31 AM

Hi,

There will be no judgment done in Japan before 2012 on that case: courts give priority to earthquake/tsunami related cases, and this "Baron" guy is 100% anonymous and we have no way to get in touch with him, and he never sent us any legal document (plus, the passport he submitted was altered), so the only way to make a fair judgment is to give him time (one year) to speak for himself.

Mark
[Quoted text hidden]

Don Raggio <donald.aggio@gmail.com>
To: "Chris.aggio@gmail.com" <Chris.aggio@gmail.com>

Mon, Aug 1, 2011 at 8:35 PM

[Quoted text hidden]

Donald Raggio <donald.aggio@gmail.com>
To: daggio@gmail.com

Mon, Aug 1, 2011 at 8:46 PM

Begin forwarded message:

From: Mark Karpeles <admin@mtgox.com>
Date: August 1, 2011 11:31:15 AM CDT
To: Don Raggio <donald.aggio@gmail.com>
Subject: Re:

[Quoted text hidden]

Don Raggio <donald.aggio@gmail.com>
To: Mark Karpeles <admin@mtgox.com>
Bcc: daggio@gmail.com

Tue, Dec 20, 2011 at 12:50 AM

Gmail - (no subject)

<https://mail.google.com/mail/?ui=2&ik=42dadbb538&view=pt&search=...>

Hi,

January 10, 2012 will mark the one year anniversary of our loss. It was on that day Jed McCaleb froze the hacked Mt. Gox account to prevent further unauthorized withdrawals.

*On Mon, Jan 10, 2011 at 4:51 AM, Jed McCaleb <admin@mtgox.com> wrote:
Yeah I froze the account and I'm logging all IP's on login now but you
should change the password back to the one that they have so they are
able to login still so we can see what their IP is.*

It seems plain that "Baron" is not going to speak for himself (assuming that "Baron" refers to a "him.") My father and I are real people. We both work for living. We don't hack or steal. We don't hide behind aliases or altered passports. Jed can attest to this. I have had many conversations with him and we have had the pleasure of meeting in real life.

We are asking that the coins stolen from my father's Mt. Gox account be returned. If you need us to help in any way let us know what we can do. This is important for us but also for the confidence of the Bitcoin community as a whole.

<http://coinbits.com/note/mt-gox-acquires-bitomat-pl-reimburses-lost-bitcoins-bitcoin/>

Chris and Don Raggio

"The root problem with conventional currency is all the trust that's required to make it work," Satoshi Nakamoto
[Quoted text hidden]

Gmail - (no subject)

<https://mail.google.com/mail/?ui=2&ik=42dadbb538&view=pt&search=...>

Don Raggio <dona1d.raggio@gmail.com>

(no subject)

10 messages

Jed McCaleb <jed@mtgox.com>

Thu, May 26, 2011 at 8:55 AM

To: Don Raggio <dona1d.raggio@gmail.com>

Hi Chris

Our Internet is down so I can't call. When would be a good time on Friday or Monday?

Jed

Donald Raggio <dona1d.raggio@gmail.com>

Thu, May 26, 2011 at 10:15 AM

To: Jed McCaleb <jed@mtgox.com>

Hi Jed,

Monday at 9:00 am central standard time would be good.

Chris

[Quoted text hidden]

Jed McCaleb <jed@mtgox.com>

Mon, May 30, 2011 at 9:29 AM

To: Donald Raggio <dona1d.raggio@gmail.com>

I'm jed.mccaleb on skype

[Quoted text hidden]

Don Raggio <dona1d.raggio@gmail.com>

Mon, May 30, 2011 at 9:41 AM

To: Jed McCaleb <jed@mtgox.com>

ok,trying now. it says "no answer"

[Quoted text hidden]

Don Raggio <dona1d.raggio@gmail.com>

Mon, May 30, 2011 at 10:52 AM

To: Jed McCaleb <jed@mtgox.com>

Jed,

Thanks for taking the time to talk to me. If I think of anything cool to do with bitcoin I'll let you know. Near the end of the call you asked about the situation with Baron. Here is what I know. Last I heard from Mark was that Baron was not willing to give the coins back voluntarily. Baron said that he wanted access to his funds. Mark said that he didn't feel comfortable just unilaterally handing the coins over to me. These funds I assume he is speaking of are the ones that you froze. Mark said that to resolve the issue he was seeking a "judgement" in a court, but that due to the disaster in Japan "legal processing" would be held up until later this year. That's honestly what he told me. I am glad you did what you could to take action against this scammer. Hopefully this will work and I will get the coins back. And if for some reason that doesn't work out maybe bitcoin will hit 1000 and what we will have more than enough regardless. By the way somebody did move the funds that were stolen from the address in a transaction dated 4-28. I asked Theymos to look at the block explorer and he reported the following.

"The scammer sent 2000 BTC to an address, and that address sent 200,000 BTC to MtGox: I'm pretty sure 1MqsE... is a MtGox address. You should inform Mark about this new development. The person who made that 200,000 BTC

Gmail - (no subject)

<https://mail.google.com/mail/?ui=2&ik=42dadbb538&view=pt&search=...>

MtGox deposit is either the scammer or someone who delt with him directly."

Mark claims that the address in question is not a MtGox address and that MtGox received no deposit as large as 200,000 BTC. Mark said that he didn't see any action that he could take at this time. I'll try to keep in touch with Mark (hopefully without pestering him). I'll keep you posted on the outcome.

Chris

On Fri, 20 May 2011 21:58 -0500, "Don Raggio" <donald.raggio@gmail.com> wrote:

Theymos

It looks like there is a new transaction in Block Explorer dated 4-28. Do you make anything of it?

a01c1b8281...Block 120711 (2011-04-28 20:34:02)3096.93Sent: Address1MDphepGhrLrUDRUKhpHHGG
d4mGsSsw94

1MeEDTHiSA1n1x6s9hM6qjPzs1x6vb4Y5j
6309.4

[Quoted text hidden]

Don Raggio <donald.raggio@gmail.com>
To: Jed McCaleb <jed@mtgox.com>

Mon, Aug 1, 2011 at 11:19 AM

Jed,

Last time we talked you asked me when I was going to sell out BTC. I haven't done so yet but now would be an OK time. I don't expect a whole lot of growth in the valuation of BTC relative to other currencies due to the fact that that investors are still skittish following the successful compromise of the database of Mt. Gox. While this doesn't affect the underlying technology itself a lot of investors are actually not aware of the difference between the security of the exchange and the security of bitcoin itself. I think BTC valuation could recover and resume course north of 100 but we will need let these perceived vulnerabilities heal and we need more significant applications to come online. BTW- I e-mailed Mark today to see where he was at with Baron. Thanks for your assistance with Baron. We would like to recover the stolen BTC.

In any event, we admire what you have accomplished. Good luck with your "AI thing." I don't know what it is but I am sure it will be pretty cool.

Chris (for Don)

[Quoted text hidden]

Donald Raggio <donald.raggio@gmail.com>
To: Jed McCaleb <jed@mtgox.com>

Mon, Aug 1, 2011 at 8:23 PM

Hey Jed,

Are you still maintaining an interest in bitcoin or have you moved on? Are you planning to go to the meetup in New York scheduled for Aug. 18-21st?

Chris

[Quoted text hidden]

Jed McCaleb <jed@mtgox.com>
To: Donald Raggio <donald.raggio@gmail.com>

Mon, Aug 1, 2011 at 9:02 PM

Yeah I'll be there. Are you going?
Did you already sell all your coins?

[Quoted text hidden]

Gmail - (no subject)

https://mail.google.com/mail/?ui=2&ik=42dadbb538&view=pt&search=...

Donald Raggio <dona1d.raggio@gmail.com>
To: Jed McCaleb <jed@mtgox.com>

Tue, Aug 2, 2011 at 12:22 AM

I have my coins. Haven't sold any. I'm looking forward to the conference.

Chris

[Quoted text hidden]

Don Raggio <dona1d.raggio@gmail.com>
To: Jed McCaleb <jed@mtgox.com>

Tue, Aug 9, 2011 at 10:16 AM

On Mon, Aug 1, 2011 at 9:02 PM, Jed McCaleb <jed@mtgox.com> wrote:

Yeah I'll be there. Are you going?
Did you already sell all your coins?

My brother along with some with several other people ask me questions similar to the one you posed me ("Did you already sell all your coins?") and other questions related to bitcoin trading patterns. I composed this response yesterday and sent it to my brother. It occurred to me that I should share it with you to help communicate what I believe is happening and how I am going to play it. Here's what I wrote yesterday....

Neil,

This may be what's driving current trading

http://www.perkinscoie.com/files/upload/Update_8-2-11_EFS_FinCenIssuesFinalRule.pdf

<http://www.bitcoinmoney.com/post/8412471372/fincen-prepaid-access-final-rule>

From the article...

*The bigger impact of following AML may not necessarily be the cost of compliance but instead will be the likely result — to effectively **de-anonymize Bitcoin**.*

*Ironically, **these new regulations may drive even faster Bitcoin adoption**. These restrictions may cause many retailers to discontinue offering the prepaid cards that can be used for purchases globally and at ATMs worldwide. Since global redemption of stored value is a service that is legal to offer (assuming AML compliance, when required, is followed), is in huge demand (e.g., for **travel**) and is **something that Bitcoin does well** — **using digital currency might become the more popular alternative**.*

A more immediate consequence will likely be the employment of lawyers to specifically consider how this Final Rule affects Bitcoin.

My take....

In the short run this is bad for bitcoin valuation because the existing exchangers are not in compliance and getting into compliance will cost a lot in terms of time and money. Compliance will also result in deanonymization at the point of the exchange which will be a major turn off for those seeking bitcoins. For better or worse the best

application for bitcoins yet developed is buying black market goods on Silk Road. People won't do business at Silk Road if anonymity and security are not airtight to protect them against highly motivated, well financed, and dangerous adversaries. Gambling sites are in the same position as Silk Road.

In the long run these regulations will prove to be very good for the value of bitcoin. These very same regulations promise to ultimately drive more people to use bitcoin. But that won't happen for a while because bitcoin is a nascent technology and as such it is too difficult for people to understand and use. A weak parallel might be the observation that anybody in the 1990s could create a web site with profiles pictures etc with a 56K modem and a geocities account. But not everybody got a page back then even though it was technically possible. Most people are not going to learn HTML. CMS or content management systems were an intermediate step but it didn't get really popular until social networking was added and sites like myspace and facebook made it so easy and powerful that everybody and their mother could have a page.

Bitcoin will get there but that will take some time. I can envision a system where Bitcoin is legal in jurisdictions outside the US and people use it as their primary capital source and convert to USD or whatever fiat currency flavor of the day they need on the fly. The offshore banking industry provides much of this functionality now (http://en.wikipedia.org/wiki/Offshore_bank). They provide people with the anonymity and security for a price. They need to add bitcoin to the mix of source currencies and develop a financial infrastructure to support it. Hopefully at the conference in people NYC will have ideas that will bring use closer to this dream or something like it.

I know you are concerned about how to trade this so I will discuss that. As far as the trading pattern goes what I think is that selling bitcoin is probably a good thing to do right now. Obviously the best thing would have been to unload at 30. Bitcoin is probably headed much lower. It could test \$5 maybe even \$2 or \$1 as the weak hands are driven out. At some point soon it will once again be a great buy. That will be the last opportunity before the KILLER APP comes which will take Bitcoin to \$1000. That's my prediction but I will not trade on it by trying to sell now and buy back later. I encourage you to follow your own instincts. I don't trade that way because essentially at that point what I would be trying to do is time the market. I always got burned in the past when I tried to play it that tight in other markets. All I can say is that I believe in Bitcoin technology so much that I am going to ride this out and I will buy more if the price drops low enough. That's my trading strategy.

Chris



Don Raggio <dona1d.raggio@gmail.com>

(no subject)

2 messages

Don Raggio <dona1d.raggio@gmail.com>
To: Jed McCaleb <admin@mtgox.com>

Mon, Dec 26, 2011 at 3:39 AM

<http://tinyurl.com/3ztmemz>

Mark Karpeles <admin@mtgox.com>
To: Don Raggio <dona1d.raggio@gmail.com>

Thu, Dec 29, 2011 at 5:29 PM

That's kind of old.

On Mon, Dec 26, 2011 at 6:39 PM, Don Raggio <dona1d.raggio@gmail.com> wrote:
| <http://tinyurl.com/3ztmemz>

RAGGIO 00056

Exhibit A



Don Raggio <donald.aggio@gmail.com>

Request received: account recovery (ticket #20529)

2 messages

Mark Karpeles <notifications-info@mtgox.com>
Reply-To: Support Desk <info@mtgox.com>
To: Don Raggio <donald.aggio@gmail.com>

Mon, Feb 13, 2012 at 4:11 PM

Please do not write below this line

[Ticket #20529: account recovery](#)

Your request ([#20529](#)) has been received, and will be reviewed by our support staff shortly.

Please be aware that the Mt.Gox Support Desk operates from 10:00am to 7:00pm (JST), Monday to Friday, with limited weekend support. If you submit your support request outside of these timings, there may be a small delay.

To review the status of the request and add additional comments, follow the link below:
<http://support.mtgox.com/tickets/20529>

Don Raggio, Feb 14 07:11 (JST):

I have an account with username donraggio, e-mail donald.aggio@gmail.com. When I choose password recovery I don't receive a recovery code even though it says "code has been sent." Let me know what I need to do to access the account.

This email is a service from Support Desk

Message-Id:1HTKR663_4f398aa69a08d_3ea9ec527015715a2_sprut

Don Raggio <donald.aggio@gmail.com>
To: Chris.aggio@gmail.com

Mon, Feb 13, 2012 at 4:12 PM

[Quoted text hidden]

RAGGIO 00057

Exhibit A



Don Raggio <dona1d.raggio@gmail.com>

[Support Desk] Re: account recovery (ticket #20529)

11 messages

Mt.Gox Support <notifications-info@mtgox.com>

Mon, Feb 13, 2012 at 7:06 PM

Reply-To: Support Desk <info@mtgox.com>

To: Don Raggio <dona1d.raggio@gmail.com>

Please do not write below this line

Ticket #20529: account recovery

Your request (#20529) has been updated.

To review the status of the request and add additional comments, follow the link below:

<http://support.mtgox.com/tickets/20529>

You can also add a comment by replying to this email.

Mt.Gox Support, Feb 14 10:06 (JST):

Hello,

May we ask the date when you last logged into your account? Please also provide us the remaining balances of your account so that we can further investigate.

Thanks,

MtGox.com Team

Don Raggio, Feb 14 07:11 (JST):

I have an account with username donraggio, e-mail dona1d.raggio@gmail.com. When I choose password recovery I don't receive a recovery code even though it says "code has been sent." Let me know what I need to do to access the account.

This email is a service from Support Desk

Message-Id:1HTKR663_4f39b3ae1184a_29cddd27c6627a3_sprut

Mt.Gox Support <notifications-info@mtgox.com>

Mon, Feb 13, 2012 at 11:02 PM

Reply-To: Support Desk <info@mtgox.com>

To: Don Raggio <dona1d.raggio@gmail.com>

Please do not write below this line

Ticket #20529: account recovery

Your request (#20529) has been updated.

To review the status of the request and add additional comments, follow the link below:

<http://support.mtgox.com/tickets/20529>

RAGGIO 00058

Exhibit A

You can also add a comment by replying to this email.

Mt.Gox Support, Feb 14 14:02 (JST):

Hello Don,

May we asked if you have had any past deposits or withdrawals (bitcoins and currency) into this account or not? If you did, please provide details of the transfers.

Thanks,

MtGox.com Team

Don Raggio, Feb 14 13:46 (JST):

Balances should be 0 for all currencies.

Last logged in January 10, 2011.

Mt.Gox Support, Feb 14 10:06 (JST):

Hello,

May we ask the date when you last logged into your account? Please also provide us the remaining balances of your account so that we can further investigate.

Thanks,

MtGox.com Team

Don Raggio, Feb 14 07:11 (JST):

I have an account with username donraggio, e-mail donald.raggio@gmail.com. When I choose password recovery I don't receive a recovery code even though it says "code has been sent." Let me know what I need to do to access the account.

This email is a service from Support Desk

Message-Id:1HTKR663_4f39eacfd17be_3007ffa788122ce_sprut

Mt.Gox Support <notifications-info@mtgox.com>

Mon, Feb 13, 2012 at 11:06 PM

Reply-To: Support Desk <info@mtgox.com>

To: Don Raggio <donald.raggio@gmail.com>

Please do not write below this line

Ticket #20529: account recovery

Your request ([#20529](#)) has been updated.

To review the status of the request and add additional comments, follow the link below:

<http://support.mtgox.com/tickets/20529>

You can also add a comment by replying to this email.

Mt.Gox Support, Feb 14 14:06 (JST):

RAGGIO 00059

Exhibit A

Hello Don,

May we also ask if you have been able to verify your account after the June hacking incident in 2011? If not, it is possible that your account may have expired.

Thanks,

MtGox.com Team

Mt.Gox Support, Feb 14 14:02 (JST):

Hello Don,

May we asked if you have had any past deposits or withdrawals (bitcoins and currency) into this account or not? If you did, please provide details of the transfers.

Thanks,

MtGox.com Team

Don Raggio, Feb 14 13:46 (JST):

Balances should be 0 for all currencies.

Last logged in January 10, 2011.

Mt.Gox Support, Feb 14 10:06 (JST):

Hello,

May we ask the date when you last logged into your account? Please also provide us the remaining balances of your account so that we can further investigate.

Thanks,

MtGox.com Team

Don Raggio, Feb 14 07:11 (JST):

I have an account with username donraggio, e-mail donald.raggio@gmail.com. When I choose password recovery I don't receive a recovery code even though it says "code has been sent." Let me know what I need to do to access the account.

This email is a service from Support Desk

Message-Id:1HTKR663_4f39ebd79a193_61321721a7c8556e9_sprut

Mt.Gox Support <notifications-info@mtgox.com>
Reply-To: Support Desk <info@mtgox.com>
To: Don Raggio <dona1d.raggio@gmail.com>

Tue, Feb 14, 2012 at 12:27 AM

Please do not write below this line

Ticket #20529: account recovery

Your request ([#20529](#)) has been marked as solved, pending closure. Should you believe that your request has not been adequately addressed and wish to postpone closure, or should you wish to review or comment upon your request, please follow the link below:

RAGGIO 00060

Exhibit A

<http://support.mtgox.com/tickets/20529>

Mt.Gox Support appreciates any feedback that you may wish to provide.

Mt.Gox Support, Feb 14 15:27 (JST):

Hello Don,

Unfortunately, unclaimed accounts after June have expired and therefore are now inaccessible. We would like to recommend you to create a new account with the same login name and password on our website. Our apologies for the inconvenience caused. If you require any further assistance, please feel free to contact us again.

Thanks,

MtGox.com Team

Don Raggio, Feb 14 15:02 (JST):

Last login was in January of 2011. No logins occurred after the June hacking incident. Can I log in to the account now? If it has expired is the account still accessible?

[Quoted text hidden]

This email is a service from Support Desk

Message-Id:1HTKR663_4f39feb94695f_31e11bed27c145319c_sprut

Mt.Gox Support <notifications-info@mtgox.com>

Tue, Feb 14, 2012 at 11:19 PM

Reply-To: Support Desk <info@mtgox.com>

To: Don Raggio <dona1d.raggio@gmail.com>

Please do not write below this line

Ticket #20529: account recovery

Your request ([#20529](#)) has been updated.

To review the status of the request and add additional comments, follow the link below:

<http://support.mtgox.com/tickets/20529>

You can also add a comment by replying to this email.

Mt.Gox Support, Feb 15 14:19 (JST):

Hello Don,

Would you be able to provide any information on any of the transactions (deposits and withdrawals) that have occurred on your account to prove the ownership of your account so that we may release the rest of the information to you?

Thanks,

MtGox.com Team

Don Raggio, Feb 15 05:02 (JST):

I didn't receive the support requested. I want access to my original account. Advisement to open a new account is what I asked for. At the very least I need customer support to provide me the account details from my old account.

RAGGIO 00061

Exhibit A

Don Raggio, Feb 14 21:19 (JST):

MtGox.com Team,

I can create a new account. Before I do so I would like to have the transaction history from the expired account for my records. Will you provide this to me?

Don

[Quoted text hidden]

This email is a service from Support Desk

Message-Id: 1HTKR663_4f3b40507454e_28731475274112510_sprut

Mt.Gox Support <notifications-info@mtgox.com>

Thu, Feb 16, 2012 at 7:04 AM

Reply-To: Support Desk <info@mtgox.com>

To: Don Raggio <donaId.raggio@gmail.com>

Please do not write below this line

Ticket #20529: account recovery

Your request ([#20529](#)) has been updated.

To review the status of the request and add additional comments, follow the link below:

<http://support.mtgox.com/requests/20529>

You can also add a comment by replying to this email.

Mt.Gox Support, Feb 16 22:04 (JST):

Hello Don,

We are still trying to recover the information you requested and since this account has been disabled, it will take some time. Thank you for your patience in the process.

Thanks,

MtGox.com Team

Don Raggio, Feb 16 20:38 (JST):

What is the status of this request at this point in time?

Don Raggio, Feb 16 07:38 (JST):

On dates on or prior to 1-2-2011 Bitcoins were purchased. I am unsure of the exact dates at this time because I don't have access to the account history.

On 1-2-2011 2404.83 BTC were legitimately transferred to 12fZ2HxkLjG9zn1u44XYsFFYKHM4A2zCea

On 1-7-2011 A hacker gained control of the account and transferred 3134.38 BTC to

1DVQEpTFjxYpZMVy4Bam9MCxeGEtmMmQCh (hacker's account)

On 1-8-2011 The hacker transferred 3174.6 BTC to 1DVQEpTFjxYpZMVy4Bam9MCxeGEtmMmQCh (hacker's account)

On 1-9-2011 The hacker transferred 3096.33 BTC to 1DVQEpTFjxYpZMVy4Bam9MCxeGEtmMmQCh (hacker's account)

RAGGIO 00062

Exhibit A

Administrator (Jed McCaleb) froze the account when this hacking incident was reported to him.

Administrator (Jed McCaleb) sent a manual transfer of the remaining balance on 1-17-2011.

Administrator (Jed McCaleb) transferred 20844.17 BTC to 12fZ2HxkLjG9zn1u44XYsFFYKHM4A2zCea

[Quoted text hidden]

This email is a service from Support Desk

Message-Id:1HTKR663_4f3cfefa3f23f_468be96a746957634_sprut

Mt.Gox Support <notifications-info@mtgox.com>

Sat, Feb 18, 2012 at 10:13 PM

Reply-To: Support Desk <info@mtgox.com>

To: Don Raggio <donald.raggio@gmail.com>

Please do not write below this line

Ticket #20529: account recovery

Your request (#20529) has been updated.

To review the status of the request and add additional comments, follow the link below:

<http://support.mtgox.com/tickets/20529>

You can also add a comment by replying to this email.

Mt.Gox Support, Feb 19 13:13 (JST):

Hello Don,

Would you happen to know your Merchant ID?

[Quoted text hidden]

This email is a service from Support Desk

Message-Id:1HTKR663_4f4076d1790bb_2d061916a6c68642f9_sprut

Mt.Gox Support <notifications-info@mtgox.com>

Sun, Feb 19, 2012 at 10:08 PM

Reply-To: Support Desk <info@mtgox.com>

To: Don Raggio <donald.raggio@gmail.com>

Please do not write below this line

Ticket #20529: account recovery

Your request (#20529) has been updated.

To review the status of the request and add additional comments, follow the link below:

<http://support.mtgox.com/tickets/20529>

You can also add a comment by replying to this email.

Mt.Gox Support, Feb 20 13:08 (JST):

RAGGIO 00063

Exhibit A

Hello Don,

Unfortunately, since your account has been deleted and you have recreated a new account with the same name and email address, we will have to be working on recovering your old data. This would take some time, so we would appreciate your patience while our developer is working on it.

Thanks,

MtGox.com Team

Don Raggio, Feb 19 13:40 (JST):

No.

[Quoted text hidden]

This email is a service from Support Desk

Message-Id:1HTKR663_4f41c75412761_302b129e27013259236_sprut

Mt.Gox Support <notifications-info@mtgox.com>

Tue, Feb 28, 2012 at 8:34 PM

Reply-To: Support Desk <info@mtgox.com>

To: Don Raggio <donald.aggio@gmail.com>

Please do not write below this line

Ticket #20529: account recovery

Your request ([#20529](#)) has been updated.

To review the status of the request and add additional comments, follow the link below:
<http://support.mtgox.com/tickets/20529>

You can also add a comment by replying to this email.

Mt.Gox Support, Feb 29 11:34 (JST):

Hello Don,

We have been able to re-enable your account today. However, since your account was not claimed since the June hacking incident, we will have to add your email address to the account as well. Please let us know if you would like to use the email address donald.aggio@gmail.com with your Mt.Gox account.

Thanks,

MtGox.com Team

Don Raggio, Feb 29 06:08 (JST):

How much progress has the developer made so far? When do you anticipate this data will have been recovered?

[Quoted text hidden]

This email is a service from Support Desk

Message-Id:1HTKR663_4f4d8ead98c09_7e1aef527c46963c_sprut

RAGGIO 00064

Exhibit A

Don Raggio <donald.raggio@gmail.com>
To: Support Desk <info@mtgox.com>

Wed, Feb 29, 2012 at 4:05 AM

Use donald.raggio@gmail.com

Let me know when it is set up.

Also has my password been changed? I was unable to log in.

[Quoted text hidden]

Mt.Gox Support <notifications-info@mtgox.com>
Reply-To: Support Desk <info@mtgox.com>
To: Don Raggio <donald.raggio@gmail.com>

Wed, Feb 29, 2012 at 9:16 PM

Please do not write below this line

Ticket #20529: account recovery

Your request ([#20529](#)) has been marked as solved, pending closure. Should you believe that your request has not been adequately addressed and wish to postpone closure, or should you wish to review or comment upon your request, please follow the link below:

<http://support.mtgox.com/tickets/20529>

Mt.Gox Support appreciates any feedback that you may wish to provide.

Mt.Gox Support, Mar 01 12:16 (JST):

Hello Don,

We have already linked your email address to your account. Please request a password recovery email to be sent to your email address from this link and reset your password.

<https://mtgox.com/login/lost-password>

Then you should be able to login, but if your problem persists, please feel free to contact us again and we will be happy to help.

Thanks,

MtGox.com Team

Don Raggio, Feb 29 19:05 (JST):

Use donald.raggio@gmail.com

Let me know when it is set up.

Also has my password been changed? I was unable to log in.

[Quoted text hidden]

This email is a service from Support Desk

Message-Id:1HTKR663_4f4eea299e3eb_7b8c133326c9088b3_sprut

RAGGIO 00065

Exhibit A



Don Raggio <donaId.raggio@gmail.com>

[Mt.Gox] Recover Password

1 message

Mt.Gox <info@mtgox.com>

Thu, Mar 1, 2012 at 7:16 AM

To: DonRaggio <donaId.raggio@gmail.com>

Dear DonRaggio,

On Thu 01 Mar 2012 01:16:57 PM GMT your asked for a password recovery.

If you didn't make this request yourself, you can inform us by replying to this email. If you did, you can use the link below to have your password reset.

Your login: DonRaggio

The password reset key: RIZzYUZSyU8kHdsIPQQ73vqM9bxI2LXbJhaDIg

https://mtgox.com/login/lost-password?login=be0331f9-cc6f-4649-8793-9f7d0e5970c9&password_key=RIZzYUZSyU8kHdsIPQQ73vqM9bxI2LXbJhaDIg

Best regards,
Mt.Gox team
info@mtgox.com

The request was made from:

IP: 98.251.210.204

Browser: Mozilla/5.0 (Windows NT 6.1; WOW64) AppleWebKit/535.11 (KHTML, like Gecko) Chrome/17.0.963.56
Safari/535.11

RAGGIO 00066

Exhibit A



Chris Raggio

Jackson, Mississippi

A well-established Jackson, Mississippi, entrepreneur, Chris Raggio MD leads the firm Advanced Neuropsych, LLC. He focuses on providing psychiatrists with technology tools for reaching out to patients and gaining insights that enable them to create accurate rating scales. Through a dedicated mobile phone app, Chris Raggio enables doctors to send participating patients questionnaires about their response to medications. With inputted data compiled into graphs, psychiatrists are able to assess current regimens and make informed treatment decisions. Another potential application is in sending patients reminders to take medications. Dr. Raggio earned his bachelor's degree in computer science at the University of Alabama at Tuscaloosa and subsequently received a scholarship to attend the University of Mississippi School of Medicine. Subsequently, as a resident at the Vanderbilt University Medical Center, he treated patients with mental disorders. From 2004 to 2009, Dr. Raggio was a research fellow with the institution's Biomedical Informatics Department and helped develop clinical information networks spanning physician order-entry systems and electronic medical records. Dr. Chris Raggio supports the efforts of BitCauses, which seeks to enable charitable donations through a digital tip jar.

Join Resume.com to find the perfect candidate for your next hire!

Search over 1 Million resumes and be notified when a person like **Chris** qualifies for your job requirements.

View and search full resumes
Set alerts for qualified matches
Contact candidates and arrange interviews

[View Chris's Full Resume](#)

Education

University of Alabama at Tuscaloosa B.S.	Tuscaloosa, AL Graduated May 1998
University of Mississippi School of Medicine MD	Jackson, MS Graduated May 2013

Experience

Self Employed Investor and Philanthropreneur	Jackson, MS October 2012 - Present
University of Mississippi Medical Center Resident physician	Jackson, MS July 2010 - Present
Vanderbilt University Medical Center Research fellow in Biomedical Informatics Department.	Nashville, TN July 2004 - Present

Hobbies & Interests

Food and Travel, Art

Skills

Physician

Job seekers, get hired!

Join the over 1 Million users who trust resume.com to build the perfect resume and connect with employers.

Easy online resume builder

Job search and notification

Apply for jobs and schedule interviews

Build a Resume

Job Seekers

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(<https://twitter.com/MississippiSOS>)



(<http://www.sos.ms>)



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Secretary of State

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 Business Filings (<http://corp.sos.ms.gov/corp/portal/c/page/corpNewFilings/portal.aspx>)
 Commercial Registered Agents (<http://corp.sos.ms.gov/corp/portal/c/page/corpRegisteredAgent/portal.aspx>)
 User Login (<http://corp.sos.ms.gov/corp/portal/c/page/login/portal.aspx>)

Advanced Neuropsych, LLC

User Actions

View Filed Documents Opt-in or Opt-out of Email up

Name History

Name

Advanced Neuropsych, LLC

Business Information

Business Type:	Limited Liability Company
Business ID:	1016714
Status:	Dissolved
Effective Date:	03/01/2013
State of Incorporation:	Mississippi
Principal Office Address:	NO PRINCIPAL OFFICE /

Registered Agent

Name

Raggio, Chris (<portal.aspx?searchby=agent&agentName=Raggio, Chris>)
 460 Briarwood Dr., Suite 400
 Jackson, MS 39206

Officers & Directors

Name

Chris Raggio (<portal.aspx?searchby=officer&officerName=Chris%C2%A0Raggio>)
 460 Briarwood Dr., Suite 400
 Jackson, MS 39206

Title

Member

Business Search

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| YALLBUSINESS.SOS.MS.GOV

Business Name	Business ID	Officer Name	Registered Agent
Registered Agent Name:		chris raggio	Search

Search Type: Agent Name

Search Sub-Type:

Search Date: 05/04/2017 11:10

Search Thru Date: 0

Criteria: chris raggio

Result(s) Count: 2

Agent Name Search Results

Agent Name	Id	Business Name
Chris Raggio MD	1056591	GAMESTARS LLC
Raggio, Chris	1016714	Advanced Neuropsych, LLC

☐☐☒☐☐



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(<http://www.sos.ms.gov/About/Pages/Press-Releases.aspx>)

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Secretary of State

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GAMESTARS LLC

User Actions

View Filed Documents Opt-in or Opt-out of Email up

Name History

Name

GAMESTARS LLC

Business Information

Business Type:	Limited Liability Company
Business ID:	1056591
Status:	Dissolved
Effective Date:	12/05/2014
State of Incorporation:	Mississippi
Principal Office Address:	NO PRINCIPAL OFFICE /

Registered Agent

Name

Chris Raggio MD (<portal.aspx?searchby=agent&agentName=Chris%C2%A0Raggio>)
460 Briarwood Road
Jackson, MS 39206

Officers & Directors

Name

Chris Raggio MD (<portal.aspx?searchby=officer&officerName=Chris%C2%A0Raggio>)
460 Briarwood Drive, Suite 400
Jackson, MS 39206

Title

Organizer

Business Search

**Y'ALL READY FOR SOME
SERIOUS BUSINESS?**
| YALLBUSINESS.SOS.MS.GOV

Business Name	Business ID	Officer Name	Registered Agent
Registered Agent Name: chris raggio		<input type="button" value="Search"/>	

Search Type: Agent Name

Search Sub-Type:

Search Date: 05/04/2017 11:10

Search Thru Date: 05/04/2017 11:10

Criteria: chris raggio

Result(s) Count: 2

Agent Name Search Results

Agent Name	Id	Business Name
Chris Raggio MD	1056591	GAMESTARS LLC
Raggio, Chris	1016714	Advanced Neuropsych, LLC

☐☐☒☐☐



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(<http://www.sos.ms.gov/About/Pages/Press-Releases.aspx>)

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Case: 25CI1:14-cv-00071-TTG Document #: 82 Filed: 04/26/2017 Page 1 of 5

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI**

**DR. DONALD RAGGIO
DR. CHRIS RAGGIO**

PLAINTIFFS

VS.

CAUSE NO. 14-CV-00071-TTG

MTGOX, et al.

DEFENDANTS

SUBPOENA DUCES TECUM

**STATE OF MISSISSIPPI
COUNTY OF HINDS**

**TO ANY LAWFUL OFFICER OR ANY OTHER PERSON AUTHORIZED TO
SERVE SUBPOENA:**

We command you to summon

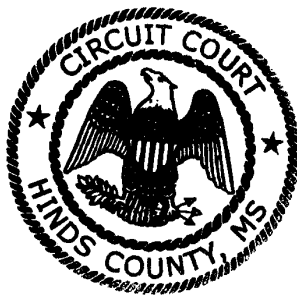
University of Mississippi Medical Center
Department of Human Resources
2500 N. State St.
Jackson, MS 39216

pursuant to Rule 45 (d)(2) of the Mississippi Rules Civil Procedure to mail (or otherwise produce) to/at the offices of Forman Watkins, & Krutz, LLP, 200 South Lamar Street, Suite 100, Jackson, Mississippi 39201-4099, by May 12, 2017, the following items, to wit:

ITEMS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO

Herein you should not fail under the penalty in such case made and provided and have then and there this writ.

WITNESS MY HAND AND SEAL OF SAID COURT, this the 26 day of April, 2017.



Circuit Court of Hinds County, Mississippi
Zack Wallace, Circuit Clerk

By: Z. D. C.

EXHIBIT C

Prepared By:

EDWIN S. GAULT, JR., MSB #10187
MANDIE B. ROBINSON, MSB #100446
FORMAN WATKINS & KRUTZ LLP
200 South Lamar Street, Ste. 100
Jackson, MS 39201-4099
Post Office Box 22608
Jackson, MS 39225-2608
Telephone: (601) 960-8600
Facsimile: (601) 960-8613
win.gault@formanwatkins.com
mandie.robinson@formanwatkins.com

Case: 25CI1:14-cv-00071-TTG Document #: 82 Filed: 04/26/2017 Page 3 of 5

EXHIBIT "A"

All employment records; any emails sent or received on any employment email account from December 1, 2010 through March 5, 2014; and all payment records - including any records regarding direct deposit of any employee compensation, from December 1, 2010 through March 5, 2014, for:

Name: Dr. Donald Raggio

Return to: Forman Watkins and Krutz, LLP
c/o Edwin S. Gault, Esq.
200 South Lamar Street, Suite 200
Jackson, MS 39201
Win.gault@formanwatkins.com

EXHIBIT C

PROOF OF SERVICE

I received this subpoena for *(name of individual and title, if any)* _____
on (date) _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____
_____ on (date) _____; or

☐ I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena required the attendance of a witness at a deposition or hearing, was issued on behalf of the United States, or on behalf of one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Case: 25CI1:14-cv-00071-TTG Document #: 82 Filed: 04/26/2017 Page 5 of 5

STATE OF _____

COUNTY OF _____

Personally came and appeared before me the undersigned authority in and for the aforesaid jurisdiction, _____, who after having been by me first duly sworn, did state upon oath that the matters being set forth in the foregoing *Proof of Service* is true and correct.

THIS, the _____ day of _____, 2017.

Process Server

SWORN AND SUBSCRIBED, before me this _____ day _____, 2017.

NOTARY PUBLIC

My Commission Expires: _____

Case: 25CI1:14-cv-00071-TTG Document #: 84 Filed: 04/26/2017 Page 1 of 5

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI**

**DR. DONALD RAGGIO
DR. CHRIS RAGGIO**

PLAINTIFFS

VS.

CAUSE NO. 14-CV-00071-TTG

MTGOX, et al.

DEFENDANTS

SUBPOENA DUCES TECUM

**STATE OF MISSISSIPPI
COUNTY OF HINDS**

**TO ANY LAWFUL OFFICER OR ANY OTHER PERSON AUTHORIZED TO
SERVE SUBPOENA:**

We command you to summon

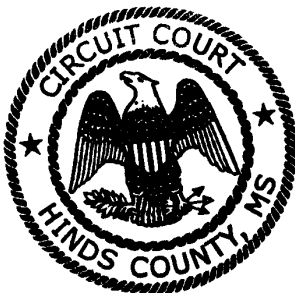
University of Mississippi Medical Center
Department of Human Resources
2500 N. State St.
Jackson, MS 39216

pursuant to Rule 45 (d)(2) of the Mississippi Rules Civil Procedure to mail (or otherwise produce) to/at the offices of Forman Watkins, & Krutz, LLP, 200 South Lamar Street, Suite 100, Jackson, Mississippi 39201-4099, by May 12, 2017, the following items, to wit:

ITEMS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO

Herein you should not fail under the penalty in such case made and provided and have then and there this writ.

WITNESS MY HAND AND SEAL OF SAID COURT, this the 26 day of April, 2017.



Circuit Court of Hinds County, Mississippi
Zack Wallace, Circuit Clerk

By: Z. D. C.

EXHIBIT C

Case: 25CI1:14-cv-00071-TTG Document #: 84 Filed: 04/26/2017 Page 2 of 5

Prepared By:

EDWIN S. GAULT, JR., MSB #10187
MANDIE B. ROBINSON, MSB #100446
FORMAN WATKINS & KRUTZ LLP
200 South Lamar Street, Ste. 100
Jackson, MS 39201-4099
Post Office Box 22608
Jackson, MS 39225-2608
Telephone: (601) 960-8600
Facsimile: (601) 960-8613
win.gault@formanwatkins.com
mandie.robinson@formanwatkins.com

Case: 25CI1:14-cv-00071-TTG Document #: 84 Filed: 04/26/2017 Page 3 of 5

EXHIBIT "A"

All employment records; any emails sent or received on any employment email account from December 1, 2010 through March 5, 2014; and all payment records - including any records regarding direct deposit of any employee compensation, from December 1, 2010 through March 5, 2014, for:

Name: Dr. Christopher "Chris" Raggio

Return to: Forman Watkins and Krutz, LLP
c/o Edwin S. Gault, Esq.
200 South Lamar Street, Suite 200
Jackson, MS 39201
Win.gault@formanwatkins.com

EXHIBIT C

PROOF OF SERVICE

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena required the attendance of a witness at a deposition or hearing, was issued on behalf of the United States, or on behalf of one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Case: 25CI1:14-cv-00071-TTG Document #: 84 Filed: 04/26/2017 Page 5 of 5

STATE OF _____

COUNTY OF _____

Personally came and appeared before me the undersigned authority in and for the aforesaid jurisdiction, _____, who after having been by me first duly sworn, did state upon oath that the matters being set forth in the foregoing *Proof of Service* is true and correct.

THIS, the _____ day of _____, 2017.

Process Server

SWORN AND SUBSCRIBED, before me this _____ day _____, 2017.

NOTARY PUBLIC

My Commission Expires: _____

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI**

**DR. DONALD RAGGIO
DR. CHRIS RAGGIO**

PLAINTIFFS

VS.

CIVIL ACTION NO. 14-71

**MTGOX a sole proprietorship;
MTGOX, Inc., a Delaware corporation;
MT.GOX KK, a Japanese corporation;
TIBANE KK, a Japanese corporation;
MUTUM SIGILLUM, LLC a Delaware limited Liability Company;
CODE COLLECTIVE, LLC a New York limited liability company;
JED McCALEB, an individual;
MARK KARPELES, an individual;
JOHN DOES 1-5, and CORPORATE JOHN DOES 1-5**

DEFENDANTS

MOTION TO REOPEN DEPOSITION AND COMPEL TESTIMONY

COME NOW the Plaintiffs, Dr. Donald Raggio and Dr. Chris Raggio, by and through counsel, and submit this Motion to Reopen Deposition and Compel Testimony, and in support thereof would show unto the Court the following:

1. On November 17, 2016, counsel for the Plaintiffs took the deposition of Defendant Jed McCaleb, individually and as the 30(b)(6) Representative of Defendant Code Collective, LLC.
2. At the deposition, counsel for the Defendants objected to questioning of the Defendant as to his purchase of bitcoins and instructed the Defendant not to answer. (See Exhibit “A”).
3. Subsequently, the Doctors submitted Request for Production of Documents to the Defendants asking for documents “pertaining to bitcoin, bitcoin wallets, and bitcoin addresses

owned, held, or possessed by yourself while you held and/or retained any percentage of ownership interest in MTGOX.” The Defendants have objected to the request and the Doctors have filed a Motion to Compel which is pending before this Court. *See* Plaintiffs’ Motion to Compel Discovery Responses (Dkt. 80) and Plaintiffs’ Memorandum in Support of Motion to Compel Discovery Responses (Dkt 81).

4. The line of questioning calls for nothing more than factual information regarding the Defendants’ purchases and holdings of bitcoins, addresses and wallets pertaining to the facts, claims, and defenses. This information may be sought by the Doctors, since it is indisputable that such information is relevant to this litigation. It is also believed that this line of questioning could shed light on the claims asserted for conversion and conspiracy. Testimony by the Defendants could possibly reflect evidence of both when and where Plaintiffs’ property was diverted. This information is reasonably calculated to lead to the discovery of admissible evidence related not only to the Plaintiffs’ claims and damages, but also the credibility and/or truthfulness of the Defendants’ testimony and defenses. It is clear under the Mississippi Rules of Civil Procedure that the information requested in this deposition area is discoverable by the Plaintiff.

5. The Defendants should thus be compelled to give deposition testimony about these subjects.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully requests that the Court grant their Motion to Reopen Deposition and Compel Testimony and for other relief which this Court deems just and appropriate under the circumstances.

RESPECTFULLY SUBMITTED, this the 12th day of May, 2017.

DR. DONALD RAGGIO AND

DR. CHRIS RAGGIO

s/Charles “Brad” Martin
CHARLES “BRAD” MARTIN, MSB# 100767

OF COUNSEL:

MITCHELL H. TYNER, SR., MSB# 8169
CHARLES “BRAD” MARTIN, MSB# 100767
TYNER, GOZA, STACEY & MARTIN, LLC
114 West Center Street
Canton, MS 39046
Phone: 601-401-1111
Fax: 601-957-6554

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a true and correct copy of the above and foregoing pleading via the Court's electronic filing system on the following:

Edwin S. Gault, Jr., Esq.
Mandie B. Robinson, Esq.
Forman Watkins & Krutz LLP
200 South Lamar Street, Suite 100
Jackson, Mississippi 39201-4099

Ethan Jacobs, Esq.
Keller Sloan Roman Holland, LLP
555 Montgomery Street, 17th Floor
San Francisco, CA 94111
ejacobs@ksrh.com

Respectfully submitted, this the 12th day of May, 2017.

s/ Charles B. Martin
CHARLES "BRAD" MARTIN, MSB# 100767

In The Matter Of:

*Dr. Donald Raggio and Dr. Chris Raggio v
MTGOX, a sole proprietorship, et al*

Jed McCaleb 30(b)6 Representative

November 17, 2016

Jed McCaleb 30(b)6 Code Collective, LLC 11-17-16

Aspire Reporting, LLC

P.O. Box 2605

Ridgeland, MS 39158-2605

1.800.73.STENO

Original File cw111716 Jed McCaleb.txt

Min-U-Script® with Word Index

1 put Mt. Gox up?

2 A. I mean, there wasn't a good price established
3 just because there wasn't a good market for it. So
4 it's hard to say what the price was.

5 Q. Okay. Did you eventually -- were you able to
6 purchase bitcoin?

7 A. I was.

8 Q. Did you -- how much, how many bitcoin did you
9 purchase?

10 THE WITNESS: Do I have to answer that?

11 MR. GAULT: You mean, just in general,
12 forever, or what?

13 MR. TYNER: Yeah.

14 MR. GAULT: Can we take a break?

15 MR. TYNER: Sure.

16 MR. GAULT: I want to talk to him about that.

17 MR. TYNER: I'm going to object to you
18 talking to him about that.

19 MR. GAULT: Okay.

20 MR. TYNER: He's under oath right now, and
21 we're not going to have conferences --

22 MR. GAULT: Okay. I instruct him not to
23 answer. So you can ask another question.

24 MR. TYNER: Okay.

25 BY MR. TYNER:

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI**

**DR. DONALD RAGGIO
DR. CHRIS RAGGIO**

PLAINTIFFS

VS.

CAUSE NO. 14-CV-00071-TTG

MTGOX, et al.

DEFENDANTS

NOTICE OF SERVICE OF DISCOVERY

Code Collective, LLC, and Jed McCaleb hereby give notice to the Court that the following discovery was served:

*JED MCCALED AND CODE COLLECTIVE, LLC'S FIRST SET OF
REQUESTS FOR ADMISSIONS TO PLAINTIFFS.*

The undersigned retains the originals of the above papers as custodian thereof.

Respectfully submitted, this the 12th day of May, 2017.

**CODE COLLECTIVE, LLC, and
JED McCALEB, individually and formerly
doing business as MTGOX, a sole proprietorship**

By: /s/Mandie B. Robinson
EDWIN S. GAULT, JR., MSB #10187
MANDIE B. ROBINSON, MSB #100446

OF COUNSEL:

FORMAN WATKINS & KRUTZ LLP
200 South Lamar Street, Ste. 100
Jackson, MS 39201-4099
Post Office Box 22608
Jackson, MS 39225-2608
Telephone: (601) 960-8600
Facsimile: (601) 960-8613
win.gault@formanwatkins.com
mandie.robinson@formanwatkins.com

ETHAN JACOBS
HOLLAND LAW, LLP
220 Montgomery Street, Suite 800
San Francisco, California 94104
Telephone: (415) 200-4984
ejacobs@hollandlawllp.com

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a true and correct copy of the above and foregoing pleading via the Court's electronic mail system on the following:

Mitchell H. Tyner, Sr.
Charles Brad Martin
TYNER, GOZA, STACEY & MARTIN, LLC
114 West Center Street
Canton, MS 39046
mtyner@tynerlawfirm.com
bmartin@tynerlawfirm.com

Respectfully submitted, this the 12th day of May, 2017.

/s/ Mandie B. Robinson
MANDIE B. ROBINSON

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI**

**DR. DONALD RAGGIO
DR. CHRIS RAGGIO**

PLAINTIFFS

VS.

CAUSE NO. 14-CV-00071-TTG

MTGOX, et al.

DEFENDANTS

NOTICE OF SERVICE OF DISCOVERY

Code Collective, LLC, and Jed McCaleb hereby give notice to the Court that the following discovery was served:

*JED MCCALED AND CODE COLLECTIVE, LLC'S FIFTH SET OF
REQUEST FOR PRODUCTION OF DOCUMENTS TO PLAINTIFFS.*

The undersigned retains the originals of the above papers as custodian thereof.

Respectfully submitted, this the 12th day of May, 2017.

**CODE COLLECTIVE, LLC, and
JED McCALEB, individually and formerly
doing business as MTGOX, a sole proprietorship**

By: /s/Mandie B. Robinson
EDWIN S. GAULT, JR., MSB #10187
MANDIE B. ROBINSON, MSB #100446

OF COUNSEL:

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Charles Brad Martin
TYNER, GOZA, STACEY & MARTIN, LLC
114 West Center Street
Canton, MS 39046
mtyner@tynerlawfirm.com
bmartin@tynerlawfirm.com

Respectfully submitted, this the 12th day of May, 2017.

/s/ Mandie B. Robinson
MANDIE B. ROBINSON

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI**

**DR. DONALD RAGGIO
DR. CHRIS RAGGIO**

PLAINTIFFS

VS.

CAUSE NO. 14-CV-00071-TTG

MTGOX, et al.

DEFENDANTS

NOTICE OF SERVICE OF DISCOVERY

Code Collective, LLC, and Jed McCaleb hereby give notice to the Court that the following discovery was served:

*JED MCCALED AND CODE COLLECTIVE, LLC'S THIRD SET OF
INTERROGATORIES TO PLAINTIFFS.*

The undersigned retains the originals of the above papers as custodian thereof.

Respectfully submitted, this the 12th day of May, 2017.

**CODE COLLECTIVE, LLC, and
JED McCALEB, individually and formerly
doing business as MTGOX, a sole proprietorship**

By: /s/Mandie B. Robinson
EDWIN S. GAULT, JR., MSB #10187
MANDIE B. ROBINSON, MSB #100446

OF COUNSEL:

FORMAN WATKINS & KRUTZ LLP
200 South Lamar Street, Ste. 100
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mtyner@tynerlawfirm.com
bmartin@tynerlawfirm.com

Respectfully submitted, this the 12th day of May, 2017.

/s/ Mandie B. Robinson
MANDIE B. ROBINSON

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI**

**DR. DONALD RAGGIO
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PLAINTIFFS

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TIBANE KK, a Japanese corporation;
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CODE COLLECTIVE, LLC a New York limited liability company;
JED McCALEB, an individual;
MARK KARPELES, an individual;
JOHN DOES 1-5, and CORPORATE JOHN DOES 1-5**

DEFENDANTS

**PLAINTIFFS' REPLY IN SUPPORT OF
MOTION TO COMPEL DISCOVERY RESPONSES**

Plaintiffs, Dr. Donald Raggio and Dr. Chris Raggio, respectfully submit this Reply in Support of their Motion to Compel Discovery Responses. For the reasons stated below, the Doctors respectfully request that this Court compel the Defendants to respond promptly to the pertinent discovery requests and order Plaintiffs' cost and attorney's fees.

1. As the Doctors explained in their Motion to Compel and Supporting Memorandum, their discovery dispute with the Defendants is simple. To the extent the Defendants are withholding documents and information based on their objections that no evidence exists that the California Defendant converted the Doctors' bitcoin and conspired with other to steal the Doctors' bitcoin, that objection is invalid and the documents should be produced. The Doctors are entitled to discover the California Defendant's role in the conspiracy and conversion as alleged by the Doctors.

2. The Defendants' Response to the Motion to Compel Discovery Responses, docket entry 94, responds to the substance of this dispute in only one place. The Defendants assert

The Raggios' sole argument as to why this discovery is appropriate rests on their allegations McCaleb converted (stole) their bitcoins and conspired with others to steal their bitcoins. The record in this case is devoid of any evidence to support these allegations. [94] at 1.

3. The test for permissible discovery is whether it is "permissible *to lead* to the discovery of admissible evidence," not whether it is supported by evidence in a party's possession. M.R.C.P. 26(b)(1)(emphasis added). It should be noted that the Defendants' Motion for Summary Judgment was heard before this Court on April 18, 2017. While an Order has not yet been entered by this Court, the Court stated from the bench that material issues of genuine fact existed. Thus, the Doctors are entitled to discovery into these allegations, as such discovery could lead to admissible evidence.

4. Yet even with the standard as laid out by M.R.C.P. 26(b)(1), there is an overabundance of evidence that the California Defendant knew assets were missing from the bitcoin exchange (MTGOX) and that the California Defendant purposely hid this fact from the Doctors and his other customers. Writing to Mark Karpeles on January 28, 2011, the California Defendant acknowledges that he had occurred a loss of \$50,000 through an alleged hack. *See* Exhibit A. One week later, a MTGOX customer notified the California Defendant he had 60.75 bitcoins missing from his account. *See* Exhibit B. Three months later on April 28, 2011, the California Defendant again acknowledges to Mark Karpeles that MTGOX is short 80,000 bitcoins. *See* Exhibit C. At today's rate, the loss of 80,000 bitcoin would total \$137,364,800 (as of 2:20 P.M. CST on May, 15, 2017, one bitcoin is worth \$1,717.06). Coupled with the Doctor's loss of 9,400 bitcoins, these losses show a staggering amount of assets had been removed from the MTGOX exchange in a brief period

of time. Not only were these losses incurred, but in June of 2011, the California Defendant's own administrator account was used to gain access to MTGOX for the purpose of a hack. *See* Exhibit D. The Doctors are entitled to the requested documents in that they may show whether or not the California Defendant was behind the losses himself and simply absconding with the assets of his customers and converting them to his own benefit. The requested documents would show if the California Defendant acted in concert with any other individual or entity by funneling monies or bitcoin to them.

5. The California Defendant further argues that due to the nature of financial documents, specifically tax returns, that there is a heightened standard for their production and that barring a party's showing of relevance and compelling need, a court should disallow the discovery of the material. The Doctors specifically allege that the Defendants converted the Doctors' bitcoins and conspired to do so. As cited by the Defendants, *Cazorla v. Koch Foods of Mississippi, LCC*, 287 F.R.D. 388, 391 (S.D. Miss, 2012) holds "a party seeking to compel another party's tax returns must ordinarily demonstrate both relevance and a compelling need for them." Defendants' tax returns and financial records are all relevant to the claims because they are likely to reflect some of the best evidence of both when and how much of the Plaintiffs' property was diverted. There is a compelling need for these documents because they are not readily obtainable elsewhere and for the Doctors' use in determining truthfulness and/or credibility of the Defendants' discovery responses and/or testimony to date and at trial.

6. It should be noted to the Court that the Defendants have had subpoenas issued to various third parties and have submitted several interrogatories and request for production to the Doctors requesting financial information. The Plaintiffs have filed a Motion to Quash and for

Protective Order in regard to the subpoenas. *See* Docket Entry 85. In their response, the Defendants make the ludicrous and illogical statement “that there is a good faith basis to believe it was Chris behind the alleged “hack” all along, either with or without his father’s knowledge. *Id.* at 3. Putting aside the fact the missing bitcoins come back into a bitcoin address at MTGOX, which quickly takes the air of the Defendants’ argument, the Defendants themselves seek the same information that is being sought by the Plaintiffs. For the Defendants to assert such a preposterous claim, of which no evidence exists whatsoever and seek the Doctors’ financial records, and yet argue that their own records are not relevant and are protected is nothing less of the Defendants attempting to “have their cake and eat it too” and shows bad faith on the behalf of the Defendants.

7. Defendants have failed to meet their burden to provide non-evasive responses to the Plaintiffs’ discovery requests and have failed to produce discoverable documents. Accordingly, this Court should compel the Defendants to respond promptly to the specific discovery as set forth herein. Plaintiffs also request their cost and attorney fees and for other relief which this Court deems just and appropriate under the circumstances.

RESPECTFULLY SUBMITTED, this the 15th day of May, 2017.

**DR. DONALD RAGGIO AND
DR. CHRIS RAGGIO**

s/Charles “Brad” Martin
CHARLES “BRAD” MARTIN, MSB# 100767

OF COUNSEL:
MITCHELL H. TYNER, SR., MSB# 8169
CHARLES “BRAD” MARTIN, MSB# 100767
TYNER, GOZA, STACEY & MARTIN, LLC
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Jackson, Mississippi 39201-4099

Ethan Jacobs, Esq.
Keller Sloan Roman Holland, LLP
555 Montgomery Street, 17th Floor
San Francisco, CA 94111
ejacobs@ksrh.com

Respectfully submitted, this the 15th day of May, 2017.

s/ Charles B. Martin
CHARLES "BRAD" MARTIN, MSB# 100767

From: Mark Karpeles <mark@tibanne.com>
Sent: Friday, January 28, 2011 9:46 AM
To: Jed McCaleb
Subject: Re: Re:

Hi,

I can understand your worries, however having mtgox working with only a fraction of the amounts being exchanged might be problematic too.

By taking over mtgox, one of the first step will be to define terms & conditions defining exactly how the users are insured, and what they can do if (for example) someone manages to exploit problems in the site.

This means also that I need to be 100% sure we will be able to answer any withdraw request from someone who deposited anything. Any problem on this side might have a disastrous effect not only on mtgox, but on the whole bitcoin economy itself (ie. the moment when people understand the world is not all pink and get scared).

Anyway I both understand your worries (just giving up mtgox to someone you never met) and mine (taking the responsibility of a site without having the whole lot of stuff received by people).

I haven't found any solution that would solve both problems at the same time yet, but I'm still thinking about it.

If you have any idea regarding that please let me know.

Also a loss of \$50k even before starting is rather large, especially considering what I could read in the mtgox presentation.

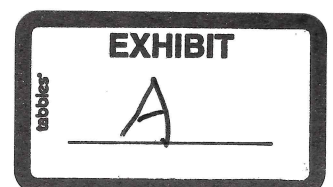
Anyway I'm tired, it's 00:45 here, I'll think more tonight and will reply again tomorrow.

Mark

PS: As for the framework no problem, I have plans if things go smoothly to adapt mtgox on the framework we use here :)

Le vendredi 28 janvier 2011 à 10:10 -0500, Jed McCaleb a écrit :

- > Hi Mark,
- > I'm trying to think of the best way to handle the transfer.
- > I guess I should hold a lot of the BTC and \$ in reserve for some
- > amount of time. Right now I only keep 1/3 of the BTC on the server
- > anyway to limit the exposure if something terrible goes wrong. And
- > deposits always are greater than withdrawals so there is a
- > considerable buffer of both cash and BTC.
- >
- > Also there was a hacking incident since we started talking. Someone
- > was able to take about \$50k in LR. The problem was that LR allows
- > multiple transactions in their call to



> <https://api.libertyreserve.com/xml/transfer.aspx> and I wasn't checking
> that the LR account name they gave was valid. So they would just close
> the current transaction and start another. Basically like a SQL
> injection attack. Obviously a big mistake on my part.
> I know now you probably wonder if the whole site is riddled with bugs.
> I like to think I'm pretty careful about this type of thing and there
> is nothing like this left in there. And I know this guy was hacking
> around on the site trying various things for a month or so. So that is
> some indication that there is nothing this bad on there.
>
> The loss of the 50k although a lot of money shouldn't actually be an
> issue as long as deposits continue to be greater than withdrawals. We
> can just let the loss ride until the site either makes it or not.
> And maybe you know some crafty way to track these guys down. The two
> IPs they used seem static. The machines both respond to pings.
>
> Also I don't know if I mentioned but the site is built on this php
> framework called lithium.
> Jed.
>
>
> On Mon, Jan 24, 2011 at 1:28 PM, Jed McCaleb <admin@mtgox.com> wrote:
> > Hi Mark,
> > So here is what I'm thinking:
> > No cash upfront.
> > I get 50% of revenue for 6 months or until I get \$60k whichever is greater.
> > 12% of the company you form to hold mtgox.
> > How does this sound?
> > Thanks,
> > Jed.
> >

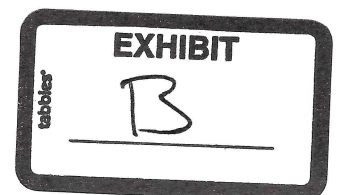
From: Brian Rogers <brian@xyzw.org>
Sent: Saturday, February 05, 2011 2:46 AM
To: info@mtgox.com
Subject: Account hacked

My account was hacked. I just logged in and discovered it. There were no e-mail notifications of transactions, but I now have 0.01 BTC and \$0 USD. My history shows a ton of strange activity starting at 01/30/11 12:43, and the numbers don't make sense. There are a bunch of paypal withdrawals.

I found and am reading the bitcoin.org forum. I just changed my password to something longer, more secure, and randomly generated.

Can you do anything about my lost balance? I had 60.75 BTC and \$34.128 USD. My username is RumbleRed and my e-mail is set as brian+bitcoin@xyzw.org

Brian



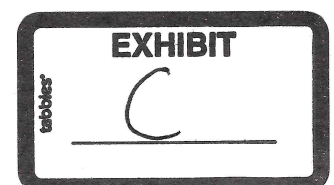
From: Jed McCaleb <jed@mtgox.com>
Sent: Thursday, April 28, 2011 8:33 AM
To: Mark Karpeles

I can't tell how big an issue it will be to be short 80k BTC if the price goes to \$100 or something. That is quite a bit to owe at that point but mtgox should have made a ton of BTC getting to there. There is also still the fact that the BTC balance will probably never fall below 80k. So maybe you don't really need to worry about it.

There are 3 solutions I have thought of:

- Slowly buy more BTC with the USD that Gox Bot has. Hopefully you would fill up the loss before the price got out of hand.
- Buy a big chunk of BTC (really just moving the BTC debt to the USD side) If BTC goes up this is a huge win. Problem is there isn't enough BTC for sale on mtgox. Maybe you could find someone on the forum to do it?
- Get those crystal island people to invest. They have 200+ BTC so they could fill in the gap.

Maybe you could just mine it?



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PHOTO ILLUSTRATION BY BRIGETTE SUPERNOVA/THE DAILY BEAST

HACKED

Behind the Biggest Bitcoin Heist in History: Inside the Implosion of Mt. Gox

Mt. Gox was once the biggest exchange for the virtual currency. Then half a billion dollars' worth went missing. Emails give important clues to what happened.

JAKE ADELSTEIN, NATHALIE-KYOKO STUCKY 05.19.16 1:00 AM ET

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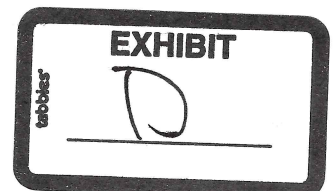
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TOKYO — When Mark Karpeles, the CEO of what was once the world’s largest Bitcoin exchange, said that the company had gone bankrupt because 800,000 bitcoins (worth nearly half a billion dollars at the time) had been hacked, he wasn’t exactly lying. He wasn’t exactly telling the whole truth, either, but there was an intriguing element of fact.

At least 80,000 had been hacked before Karpeles even took over the company, and that initial cyber theft began a spiral of trouble that may have led directly to the firm’s financial collapse.

This week The Daily Beast obtained internal emails, contracts,, and other documents related to the implosion of Karpeles’s company, Mt. Gox. Along with information provided by a former employee who handled accounting for the firm, the documents reveal previously unreported details about how Mt. Gox failed, and why.

According to Karpeles's lawyer, Nobuyasu Ogata, one of the emails has been submitted to the court as evidence by the prosecution to demonstrate that Karpeles was not forthcoming with his customers. But the same email can be used to argue for his innocence on other charges.

Mt. Gox, which was once the world's largest exchange for the decentralized virtual currency, filed for bankruptcy protection in February 2014, when it was reported that 850,000 bitcoins, worth \$450 million at the time, had disappeared or been stolen by hackers. Mt. Gox said it also lost \$27 million in cash.

Originally, the company had been created as a platform for trading playing cards. Pokémon probably is the most familiar version in the West, but these were for Magic: The Gathering, a game that was popular among kids who gave up on any hope of being "cool" at high school; a dungeons and dragons sort of card game for obsessive fans.

The company we're writing about here was called Magic: The Gathering Online eXchange, which is where Mt. Gox derived its unusual name. But in a very short time, it left the original nerds far behind as bitcoins came in and cards went out. And then, a whole lot of bitcoins went missing.

To date, 650,000 bitcoins, currently worth \$292 million, remain unaccounted for, and Karpeles is facing several criminal charges—but none of them deal *directly* with the absent virtual currency.

In November of last year, Japanese prosecutors finally finished bringing criminal charges against Karpeles after re-arresting him again and again in hopes that he would confess to every crime they thought he might have committed.

It should be noted here that one of the reasons Japan's prosecutors have a 99 percent conviction rate is that a suspect can be held up to 23 days after an arrest, without having a lawyer present during daily interrogations. If the suspect is denied bail, the police and the prosecutors have even longer to question the suspect. Eventually most people do confess to the charges against them—guilty or not.

When the prosecutors concluded their investigation into Karpeles in November, he was indicted for improper use of electronic funds and embezzling a total of over 300,000,000 yen (\$2.7 million) of customer funds.

At this point in time, Karpeles's lawyers would only say that Karpeles had made no confession to the police and that Karpeles is only guilty of sloppy accounting, mixing personal accounts and corporate accounts, not embezzlement.

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Yet the documents obtained by The Daily Beast, which included correspondence between Mark Karpeles and the original founder of Mt. Gox, Jed McCaleb, suggest that Mt. Gox was plagued by problems from its earliest days, before Karpeles had even taken over the company. The Daily Beast was given internal documents including emails by a former consultant to Mt. Gox and then verified them with Karpeles's lawyer, former employees, and sources in law enforcement.

Jed McCaleb first approached Mark about selling him Mt. Gox in January of 2011. In an email dated Jan. 18 that year, McCaleb wrote to his acquaintance Karpeles:

Hi Mark~

Please keep all this confidential I don't want to start a panic and I'm not sure I'll do it yet but I'm thinking I might try to sell mtgox. I just have these other projects I would like to devote more time to. Would you be interested? It could be very little up front and just a payout based on revenue or something. There is also an investment group that wants to fund mtgox. Probably around \$158k. So you could most likely take it over with some cash.

Let me know

Thanks,

Jed.

Karpeles had become interested in Bitcoin in late 2010 and saw the Mt. Gox platform as the perfect place to set up a Bitcoin exchange. In the early days of the currency, changing fiat money (real money) into bitcoins was an arduous task.

Karpeles agreed to purchase the company from McCaleb and by Feb. 3, 2011, he had signed an agreement with McCaleb to buy the firm, under some very unusual terms.

The seller (McCaleb) wrote into the contract that "the Seller is uncertain if mtgox.com is compliant or not with any applicable U.S. code or statute, or law of any country." And it included an article of indemnification: "The buyer agrees to indemnify Seller against any legal action that is taken against Buyer or Seller with regards to mtgox.com or anything acquired under this agreement."

Shortly after the handover, Karpeles became aware that Mt.Gox had already been hacked at least once and was missing a substantial number of bitcoins—a total of 80,000 to be precise.

The following email on April 28, 2011, which reportedly has been submitted into evidence by both sides in the trial, was probably the beginning of Mark Karpeles's nightmare:

From: Jed McCaleb <jed@mtgox.com>

Date: 2011/04/28 22:33

To: Mark Karpeles <admin@mtgox.com>

*I can't tell how big an issue it will be to be short 80k BTC (*80,000 bitcoin) if the price goes to \$100 or something. That is quite a bit to owe at that point but mtgox should have made a ton of BTC (Bitcoin) getting to there. There is also still the fact that the BTC (Bitcoin) balance will probably never fall below 80k. So maybe you don't really need to worry about it.*

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Maybe you could just mine it?

The Daily Beast has been trying to reach Jed McCaleb for several weeks both through his email accounts and social media accounts but he has not responded.

Kim Nilsson, a computer security expert at WizSec who has been analyzing the case for over two years, says, "Assuming the emails are genuine considering the timing, both Mark and Jed were aware of some 80,000 BTC that seem to have already been missing before the large June 2011 hack, and Jed was suggesting possible approaches to recovering from it." The question then remains: did either of them put these plans into action—for example creating a trading bot (a software application that runs automated tasks) to cover the loss.

That is still an unresolved mystery.

In April 2011, 80,000 bitcoins were worth approximately \$62,400.

Maybe Karpeles figured he could make it back up as he went along. But luck was not on his side. As he would try to fill the hole, the price of bitcoins kept rising. By June 2, 2011, the value for the missing BTC had jumped to over \$800,000.

Unfortunately for Karpeles, he had signed a non-disclosure agreement that left him unable to discuss the loss, and he faced the Sisyphean task of recovering the missing bitcoins on his own—a problem that became greater by the day and sometimes by the hour as the value of bitcoins skyrocketed.

In June of 2011, Mt. Gox was hacked once again. Investigators at the time believed that hackers might have gained access to Jed McCaleb's administrator account, which was still active.

Karpeles's reaction to the hack was to move the majority of the bitcoins off-line into what is called "cold storage" and place them in safety deposit boxes dispersed through various banks in Tokyo. He only left enough online to make sure transactions could be carried out. But having moved the bitcoins off, Karpeles neglected to reconcile the amounts of cold storage with other customer accounts. Karpeles became increasingly paranoid about hackers—almost obsessive.

An individual who worked at Mt. Gox handling accounting told The Daily Beast, on condition we not identify him by name because of his role in the investigation, “Mt. Gox was not an investment company, according to my opinion. It was like a pachinko parlor gift exchange.” (Pachinko is a Japanese variant of pinball with a payoff.)

The man in charge of accounting says he urged Karpeles to reconcile the BTC (Bitcoin) balance, the on-line balance, and the fiat (cash) balance several times but was spurned.

“I told him, ‘I want to know where are the bitcoins, and we need to reconcile,’ and Mark replied, ‘*mendokusai*’ [it’s a pain in the ass]. He said it was too difficult and too risky, because to reconcile the balance, you need to put the bitcoins from the cold storage onto a hot wallet, and there is the risk that it could be hacked, so he didn’t want to do it.”

A “hot wallet” refers to bitcoins online—a situation that makes them more vulnerable to cyber predators.

Karpeles insisted that bitcoins in a cold-wallet, sometimes printed out on sheets of paper, were much more secure. He thought it was difficult to know how much each “cold wallet” is worth until you put the BTC back on-line—or make notations on the paper wallets when creating them.

The virtual money was becoming makeshift paper money, and there were masses of it.

The accounts manager understood what Karpeles’s concerns were from a cyber security perspective but still felt that not reconciling the accounts was dangerous.

“I didn’t think it was reasonable not to reconcile, but I thought it’s his company, he’s the CEO, so I said okay.”

Former employees of Karpeles say that he might have made it all work. They claim rogue U.S. government agents seized \$5 million of Mt. Gox funds in summer 2013 in retaliation for Karpeles’s refusal to cooperate with them. This seizure supposedly cut into the firm’s operating reserves, which may have been the beginning of the end, at least according to the former Mt. Gox accountant.

In the meantime, Karpeles voluntarily assisted U.S. authorities in their investigation of the online black market Silk Road, evidently hoping that would buy him some sort of immunity.

It didn’t.

“The first time I got the signal that the bitcoins were missing, it was when Mark told me, sometime in early February [2014],” said the accountant. “He called me in his office, and he said, ‘There is a chance that Mt. Gox might have to file for bankruptcy.’ And he asked me to go to the law firm Baker & McKenzie the next day to discuss with them.”

The accountant recalls that Karpeles was eerily calm at the time—but that Mark was always that way. “He was like a more stoic version of the Cheshire Cat. He was always smiling. He could probably tell you, ‘Oh, the entire office is on fire and we’d better leave before we burn to death’ and it would be the same expression.”

The Japanese courts will determine if Karpeles has committed criminal acts, but the latest revelations would make anyone ask: Is he a con-man, a victim, a fall-guy, or all of the above?

One thing seems clear—Karpeles bought a company already missing tens of thousands of bitcoins.

Did the thief who took them take hundreds of thousands—worth hundreds of millions of dollars—more?

Someone did, in the heist of the century, and to solve it, the police need to make a case that depends on more than coercion and confession.

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